

Uncovering the Roots of the Nationwide Counterpublic Sphere in China

by

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List of Abbreviations

CCP	Chinese Communist Party
GNI	Gross National Income
ICT	Information and communication technology
NGO	Non-governmental organizations
WTO	World Trade Organization

Abstract

My dissertation addresses a puzzle: Why has a nationwide counterpublic sphere, in which citizens formulate oppositional discourse to challenge the state, emerged and persisted in China? Existing studies, mostly based on experiences in Western Europe, theorize that a robust civil society is indispensable for a flourishing public sphere. Contrary to the theory, however, a nationwide counterpublic sphere has risen in China in the absence of a well-developed civil society. This anomaly in relation to the dominant theory of the public sphere makes the Chinese case a negative case in comparative historical sociology. Rather than completely abandoning the dominant theory, I identify its central proposition – namely, that a social-cultural foundation is needed for a public sphere to grow and persist, and examine how this foundation came to exist in China.

Through a multi-faceted, comparative, and historical analysis that draws on a variety of sources, I argue that, whereas theorists examining the emergence of the public sphere in Western contexts emphasize the role of civil society, in the Chinese case it is the state that is – unintentionally and paradoxically – the architect of the counterpublic sphere. While continuing to suppress public opinion and civil society, the Chinese state

responded to the legitimation crisis it faced in the late 1970s by creating legal institutions and transitioning to a market economy connecting China with the rest of the world. In doing so, it inadvertently contributed to the social-cultural foundation for a counterpublic sphere.

To develop my central argument, I first establish the existence of a flourishing nationwide counterpublic sphere. Next, I show that in the process of institution-building to address the state's crisis, the Chinese state established a shared symbolic structure based on laws and rights. Then, I examine how the state's use of media to disseminate law unwittingly led to the formation of collaborative networks that connected media and legal professionals. I show how these professionals appropriated the symbolic structure of laws and rights to produce critical news reports and promote civic culture. Finally, I examine the processes by which these initially limited liberalization effects escalated into a nationwide counterpublic sphere.

Chapter 1

Introduction

1.1. THE PAST AND PRESENT OF PUBLIC OPINION IN CHINA

The publication of the English translation of Jürgen Habermas's *The Structural Transformation of the Public Sphere* in 1989 sparked interest in and debates over the study of the public sphere in the Chinese context. Some scholars employed the Habermasian concepts to explore whether a public sphere existed in China (Rowe 1990), while other scholars cautioned against simple extensions of Habermas's intellectual agenda to the Chinese context, considering the enormous disparity between socioeconomic, political, and cultural conditions in the Chinese and European contexts (Calhoun 1993; Wakeman Jr 1993). Surprisingly, an important book written by the Chinese writer and linguist Lin Yutang,¹ *A History of the Press and Public Opinion in China* (1936), went unmentioned in the debates. The omission is notable as Lin's work demonstrated the significance of studying public opinion in China in its own right. Lin published the book in the U.S. in 1936, twenty-six years before the publication of *The*

¹ Lin Yutang (1895-1976) grew up in China. After receiving his bachelor's degree in China, he studied at Harvard University and the University of Leipzig.

Structural Transformation of the Public Sphere in Germany (Habermas 1962) and thirteen years before the establishment of the People's Republic of China. Lin Yutang narrated the history of public opinion from the Han Dynasty (206 BC to 220 AD) to the Republican era in the early twentieth century. Unfortunately, unlike *The Structural Transformation* and Lin's own well-known prose works and novels,² *A History of the Press and Public Opinion* garnered little attention, despite the fact that it was one of the only, if not *the* only book to systematically examine public opinion as a socio-political force in China. Lin (1936:2) wrote the book to understand "the power of public opinion and... how the seed of Chinese democracy, contained in the ancient principle that a good government always listened to the voice of the people, grew and developed, and sometimes blossomed forth and was sometimes cruelly trampled upon by temperamentally autocratic rulers." He described the development of public opinion in China as a tug-of-war between the ruler and the people given the tendency of rulers to suppress public criticism and the long-standing institution of censorship.

Despite their very different backgrounds, Lin and Habermas's views on the normative role of public opinion in substantiating democracy are remarkably similar.³ Reflecting on the transition from imperial rule to a Republican form of government in China, Lin (1936:115) stated: "All changes of form of government are futile, unless there is a growth in the power of public opinion, able to bring the government to act in

² Lin Yutang was nominated for the Nobel Prize in Literature in 1940 and 1950. His book *My Country and My People* (1935) was on the *New York Times* bestseller list.

³ Both Habermas and Lin conceptualize public opinion as public discourse instead of aggregated political attitudes.

accordance with its dictates.” Similarly, Habermas said private people “come together to form a public, readied themselves to compel public authority to legitimate itself before public opinion (Habermas 1989:25).” And yet, the two scholars constructed very different narratives about the realization of public opinion as a force capable of disciplining political authority in their respective contexts of Western Europe and China.

Juxtaposing the narratives in *The Structural Transformation* and *A History on the Press and Public Opinion* reveals distinct trajectories of the development of public opinion. In *The Structural Transformation*, Habermas (1989) accounts for the rise of the classic European bourgeois public sphere since the seventeenth century in the process of transition from absolutist states to bourgeois constitutional states in Europe, as well as the devolution of this public sphere in the twentieth century. In Habermas’s analysis, the emergence of the public sphere was a consequence of the socioeconomic transformation from feudalism to capitalism, and the state did not intend to regulate the emerging social space during its initial formation (Eley 1992).⁴ In general, little antagonism and struggle appeared in Habermas’s narrative about the rise of the public sphere.

In contrast to this, Lin’s narrative describes a much more passive public sphere that generally remained inactive except in unusual circumstances. As he put it (1936:5) summarized his observation: “It seems that the power of public opinion was always dormant in the nation, and if only placed under a good leadership or goaded by national

⁴ Habermas states that the state’s elimination of censorship in 1696 was a critical factor for the development of the public sphere in Britain (Habermas 1989: 58-59).

danger, could and did it assert itself, fighting under great odds.” Also in Lin’s narrative, the Chinese state always attempted to contain public criticism and propagate official discourse. Even when public opinion surged in exceptional conditions, a tug-of-war between the state and the people, as well as between dominant and oppositional discourse, existed.

Lin documented how public opinion was mobilized in certain exceptional situations in China. In the first scenario, scholars in the Imperial civil service system revolted against eunuchs who usurped the power of governance based on scholars’ sexual and class identity. This scenario became less relevant with the demise of the Imperial rule. In the second scenario, various social groups, such as intellectuals, students, and workers, mobilized national identity against the corrupted state and foreign invaders. This scenario occurred more often in the nineteenth century with the occurrence of two conditions associated with Western Europe: the emergence of the modern Chinese press and the expansion of capitalist imperialism to China. China did not have newspapers published for the general public until the early nineteenth century. Early Western European missionaries and merchants thus played a major role in shaping the modern Chinese press. And those Chinese intellectuals who also contributed to this process were zealous in introducing the Chinese people to Western notions of liberty, democracy, and constitutional reform. In this way, then, the development of the modern Chinese press was simultaneously a process of socio-political movements. The emerging modern Chinese press advocated modernization and political reform, mobilized public opinion against

imperialism and the corrupted government, and eventually contributed to the founding of the Republic of China.

Even after the transition from Imperial to Republican rule, however, the antagonism between the state and public opinion endured. Yet, rather than developing into a permanent socio-political force, public opinion returned instead to a more dormant state, partly due to continued state censorship in the Republican era. Lin (1936:168) wrote: “We cannot ignore the contemporary censorship of books, magazines and newspapers in China, because it alone explains the retarding of the growth of public opinion.” In fact, Lin was not alone in criticizing the Kuomintang (i.e., the Chinese Nationalist Party) and Chiang Kai-Shek’s political control. Before the Chinese Communist Party (CCP) established the People’s Republic of China, the CCP actually accused the Kuomintang of harming freedom of speech and the press. A few CCP members even petitioned the United Nations Commission on Human Rights in 1946, requesting that it investigate the Kuomintang’s violent censorship practices.⁵ Ironically, the CCP turned from a victim to a perpetrator after it sized the reins of power in China. China consistently ranks as one of the countries with the least freedom of press and of speech by the Freedom House and the Reporters Without Borders. The Freedom in the World Index compiled by the Freedom

⁵ For example: *People’s Daily*, May 16 1946; *People’s Daily*, August 9 1946; *People’s Daily*, March 28 1947.

House also shows the CCP's intensive restrictions on civil liberties and political rights in general.⁶

Given the CCP's ability and will to censor political communication and suppress civil society, one would expect that the development of public opinion in the People's Republic of China would be similar to that in Lin's narrative. In other words, public opinion could be mobilized temporarily based on national identity under exceptional circumstance, but it is unlikely that public opinion would become a constant social force capable of holding the government accountable. And yet, public opinion that identifies social problems and challenges the Chinese Party-state in the name of citizens has been rising and influencing the legislative, executive, and judicial decisions of the Chinese government, even when national identity and collective memory about imperialism are not mobilized.

A number of events in the recent decade illustrate this novel development. In these instances, citizens came together and not only persuaded one another to form and express consensus, but also attempted to convince a government infamous for suppressing public criticism to change its behavior. In 2003, Sun Zhigan, a 27-year-old man in Guangzhou, died in police custody after being wrongly detained and beaten by the police in the detention center. His death triggered strong criticism of the government, eventually leading to the overhaul of unconstitutional detention regulations. In 2008, the Chinese

⁶ According to Reporters Without Borders, China is the world's biggest prison for journalists, bloggers and cyber-dissidents. "World Report – China," Reporters without Borders, accessed April 30, 2013, <http://en.rsf.org/report-china,57.html>.

government ordered that all new computers were to be sold with pre-installed content-control software to prevent the viewing of pornography. Chinese netizens or Internet users⁷ accused the state of infringing upon their right to free communication, and the government was forced to abandon the policy. In 2008, the Deng Yujiao case in 2009 demonstrated that public opinion was influencing even judicial decisions.⁸ Deng Yujiao worked in a hotel in Hubei that offered sexual service, but Deng, herself, was not a sexual worker. One day, several local government officials asked Deng to provide sexual service. When she refused, the officials beat her severely. In her effort to defend herself, Deng stabbed the officials with a knife, killing one of them. The police charged Deng with intentional homicide. The case soon provoked intense public criticism of the government. Faced with this outcry and increased public scrutiny, the district court eventually exempted Deng from punishment. When interviewed about the case, the Vice President of the Hubei Higher People's Court said that judges should consider how the public perceives cases on trial and avoid arousing public sentiment.⁹ The above stories are just the tip of a growing body of empirical evidence indicating the increasing influence of public discourse.

The rise of public opinion in China also invokes citizens' political right to attack censorship and question the authoritarian regime. In 2012, the Propaganda Department of

⁷ Chinese people call Internet users "netizens" in China. When I use the term "netizens," I simply refer to Internet users.

⁸ In this event, there was some criticism about whether court decisions should be influenced by public opinion. The normative relationship between court decisions and public opinion in a country without an independent judiciary is an important legal issue worth discussing.

⁹ Accessed April 30, 2013, http://news.ifeng.com/mainland/200909/0922_17_1360006.shtml.

Guangdong Province interfered in the publication of the *Southern Weekly*'s New Year special editorial. The *Southern Weekly* is a weekly newspaper based in Guangzhou. It is considered as one of the most outspoken newspapers in China although it is affiliated with the Guangdong provincial government. The title of the original editorial was "Dream of China and dream of constitutionalism." Its main thesis promoted notions of freedom, liberal democracy, and constitutionalism. Guangdong propaganda officers bypassed the ordinary editorial practices to significantly change the editorial. After journalists disclosed this intervention, intellectuals, lawyers, media professionals, students, entrepreneurs, celebrities and ordinary citizens forcefully protested against censorship and supported the *Southern Weekly*. The original editorial was also circulated online by the public. Protesters, identifying themselves as citizens, demonstrated outside the *Southern Weekly*'s headquarters. The protest banners and signs unequivocally demanded liberal democracy, constitutionalism, freedom of speech, freedom of the press, and political reform. Protests in China were supported by individuals and civil society organizations in Hong Kong and Taiwan. The language and concepts invoked by Chinese in China, Hong Kong and Taiwan were almost identical, even though the three Chinese societies have very different trajectories of political development and are categorized as "Not Free," "Partly Free," and "Free" respectively by the Freedom House.¹⁰ This kind of large-scale collective resistance against censorship was never imagined in Lin Yutang's narrative.

¹⁰ China, Hong Kong, and Taiwan are categorized as "Not Free," "Partly Free," and "Free" respectively by the Freedom House in 2013. Accessed April 10, 2013, <http://www.freedomhouse.org/sites/default/files/FIW%202013%20Charts%20and%20Graphs%20for%20Web.pdf>.

With the rise of public opinion and the state's continued effort to contain it, particularly its more dissident voices, the tension between official and excluded discourses has become increasingly salient and constant. On the one hand, the Chinese state continues to try to monopolize discursive space through official discourse and the censorship or exclusion of other voices (McCormick and Liu 2003). On the other hand, citizens recognize and resist this monopoly, circulating discourse that challenge the state and dominant discourse. The discursive space created by these excluded discourses constitutes a nation-wide *counterpublic sphere* distinct from the dominant public sphere. Indeed, it is the recognition and articulation of exclusion from the dominant sphere that makes this discursive space “counter” (Asen 2000; Dahlgren 2005; Fraser 1990).¹¹

In short, placing the present in historical perspective reveals the continuity and disjuncture between the past and present of public opinion in China. What continues to exist over time is a tug-of-war between the state and public opinion – efforts of the state to monopolize public discourse and efforts of the people to resist such exclusion. The public mobilization of national identity discourse in opposition to foreign countries and the Chinese state when collective memory about imperialism is invoked (He 2007; Wu 2007) is another historical practice that continues in the present. What is novel about

¹¹ The concept of counterpublic sphere is a theoretical reconstruction of Habermas's notion of the public sphere, which has been criticized for excluding subordinated groups. This concept was first formulated in terms of class and further developed in terms of gender, race, sexuality, and the relationship between citizens and the state (Asen and Brouwer 2001b; Fraser 1990; Negt and Kluge 1993). As Asen (2000) remarks, what is “counter” about counterpublics cannot be fixed ontologically and reduced to specific persons, space and topics. What makes counterpublic spheres counter is recognition and articulation of exclusion, and there could be distinct axes of domination in different contexts. Citizens that formulate oppositional discourse to challenge the state do not necessarily intend to overthrow the state or the regime.

public opinion today is the strength and consistency of its presence. Lin (1936) argued that, due to continuing censorship, public opinion would likely remain inactive except in unusual circumstances such as a national crisis, hence his decision to end *A History on the Press and Public Opinion* with call to awaken public opinion in China.¹² Seven decades after the publication of Lin Yutang's book, public opinion has, indeed, woken up. Although the Chinese state – after the shift from the Kuomintang to the CCP – continues to suppress public opinion and restrict civil liberties, public opinion that challenges the state now asserts itself frequently and constitutes a counterpublic sphere. As a socio-political force capable of influencing the state, public opinion in China increasingly resembles the Western European public sphere described in Habermas's narrative, despite the very different socioeconomic, political, and cultural conditions in the Chinese and Western European contexts. Yet, while the outcomes in these contexts increasingly converge, we still know little about the very distinct path that this development took in China. Research is still needed to understand the underlying socio-political and cultural transformations that have enabled and sustained the rise of a counterpublic sphere in China.

¹² Lin (1936: 179) wrote: "But we are today long past the period of leaving politics to the whims of temporary regimes; today we must fight for the constitutional principle of the freedom of the press and of personal civil rights as a principle. Democracy after all simply means that the average man can and will take an intelligent interest in man's group life."

1.2. THE PROBLEM AND ITS SIGNIFICANCE

This dissertation aims to account for the presence of a flourishing counterpublic sphere in China. I argue that the Chinese case is not only important in its own right, but also has profound implications for literature on the public sphere and beyond. In this section, I situate the Chinese case in relation to the literature on the public sphere in order to: first, explain why the existing literature is insufficient to account for the Chinese case; second, specify the problem of this dissertation; third, discuss the significance of the problem.

1.2.1. Literature on the Relationship between the Public Sphere and Civil Society

Existing studies, mostly based on experiences in Western Europe, theorize that the development of the public sphere depends on that of civil society (Calhoun 1993; Eley 1992; Fraser 1990; Habermas 1989; Habermas 1996; Koller 2010; Madsen 1993; Somers 1993; Tilly 2007). Implicit in this argument is a distinction between the two concepts of public sphere and civil society. The public sphere is generally understood as a discursive arena, “a network for communicating information and points of view” (Habermas 1996:360). There are various conceptions of civil society (Alexander 2006:23-36), but all share in common that it is distinct from and defined in relation to the state. Only social organizations *outside* of the state are considered part of civil society (Alexander 2006; Beetham 1997; Calhoun 1993).¹³ The current literature assumes the indispensability of a

¹³ Among the many disagreements about the definition of civil society, not the least is whether a market economy should be conceptualized as part of civil society (Beetham 1997).

relatively autonomous and vibrant civil society for a flourishing public sphere. For instance, Craig Calhoun (1993:276) writes, “Such a public sphere depends on a favorable organization of civil society. It is not enough that there simply be civil society or even civil society more or less autonomous from the state.” In a similar vein, Richard Madsen (1993:187) states, “ In the thinking of Habermas, and of a long tradition of western political theory, a democratic public sphere arises from civil society. That is, a democratic public sphere does not descend from the realm of a benevolent state, it arises from below, from a voluntarily organized citizenry. The development of an active civil society is a necessary, if not sufficient, condition for the development of a public sphere.” Habermas (1996, p. 369) also contends that, without a supportive civil society, the public sphere cannot discipline the political authority. In addition, the capacities of a public to identify, interpret and present society-wide problems anchor in “the voluntary associations of civic society and [are] embedded in liberal patterns of political culture and socialization” (Habermas 1996:359). These theorizations of the relationship between a public sphere and civil society are supported by empirical studies that find a dysfunctional public sphere in the absence of an active civil society (Baiocchi 2003; Somers 1993).

Theorizing the relationship between civil society and the public sphere also speaks to the very foundation of the public sphere. Certain social-cultural conditions must exist for a public to organize itself and use reason to persuade each other, discipline the state, and influence politics (Emirbayer and Sheller 1999; Koller 2010). Through a complex social process, a certain political culture – defined as a set of symbols and practices – develops and spreads across social groups. Based on this shared understanding, actors produce and

disseminate public discourse, while also generating solidarity, division and antagonism (Alexander 2006; Emirbayer and Sheller 1999). An adequate explanation of the rise of a public sphere must, therefore, be able to answer the following questions: What are the origins of the political culture of using arguments to influence politics? How does this political culture extend to various social groups? And how do individuals develop the interest and capacity to use public discourse to influence politics?

Existing studies suggest that when civil society – broadly defined as space outside the state – is well-developed, it is likely to produce capable agents for the public sphere because it allows individuals to articulate interests, develop a common identity and democratic political culture, and acquire the capability to participate in politics (Calhoun 1993; Diamond 1994; Eley 1992; Fraser 1990; Habermas 1989; Habermas 1996; Koller 2010; Madsen 1993; Somers 1993; Tilly 2007). For example, in Habermas's (1989) narrative, the conjugal family that emerged in the transition to capitalism produced rational agents who believed in the autonomy of market and their own independence, while also coming to value the non-instrumental aspects of life (Habermas 1989: 46). Owing to cultivation in the conjugal family, private people acquired rationality and the capability to conduct rational and critical argument in public forums (Habermas 1989:46-47).¹⁴ Other scholars focus on how socialization in voluntary associations produces capable agents. For instance, generalizing from social histories in Europe, Eley

¹⁴ Some scholars, for instance, Nancy Fraser (1992) and Margaret Somers (1993) criticize Habermas's argument and contend that Habermas fails to examine how interaction in the public sphere can influence individuals' subjectivity and political practices.

(1992, pp. 296-7) points out that voluntary associations were key sites where people expressed opinions, formed identity, and developed a political culture.

Existing literature points out that the capacity of civil society to sustain the public sphere lies in its accommodating peoples to organize themselves beyond the direction and control of the state (Calhoun 1993; Diamond 1994; Evans and Boyte 1992; Somers 2008:189). Freedom from political authority makes it possible for civil society to nourish “schools of democracy owned by participants themselves (Evans and Boyte 1992:ix).” Accordingly, when the state suppresses civil society, it indirectly impinges upon the development of the public sphere. Therefore, Habermas (1996, p. 369) argues that a panoptic state not only controls a dysfunctional public sphere, but also undermines the private basis upon which the public sphere is built.

1.2.2. Statement of the Problem

The above theory of the public sphere describes the Western European experience nicely, but it does not transfer well to the Chinese context. According to the above literature, when a strong authoritarian state not only imposes censorship but also controls civil society, it is unlikely that a nationwide counterpublic sphere could flourish. Contrary to the theory, however, public opinion and a nationwide counterpublic sphere have risen in China in the absence of a well-developed civil society.

Unlike the European states described in traditional theories of the public sphere, the Chinese state takes an interventionist approach to governing. The state has been the

architect of the market, and though goods such as the news have been commodified, their production and distribution are still highly regulated. The Chinese state has failed even to relinquish its grip on the family, as famously demonstrated by its one-child policy. And plentiful evidence shows that associational life and social organizations in China remain highly restricted despite the transition to a market economy. The Chinese government has adopted a corporatist strategy, incorporating non-governmental organizations (NGOs) into the state and co-opting them through various strategies. Non state-sponsored NGOs are precariously situated due to their ambiguous legal status (Edele 2005; Heurlin 2010; Spires 2011). According to the Freedom House “Freedom in the World Index,” China still ranks as “not free” in terms of civil liberties and political rights, despite third-wave democratization in nearby countries in East Asia.¹⁵ As Figure 1-1 shows, civil liberties in China deteriorated following the 1989 Tiananmen incident, not returning to their pre-1989 level again until 1997. And even since then, civil liberties have plateaued, rather than continuing to improve post-1997. As Figures 1-2 indicates, protection of political rights has also remained static since 1989.

¹⁵ Civil liberties evaluate freedom of expression and belief, associational and organization rights, rule of law, and personal autonomy and individual rights. Political rights measure electoral process, political pluralism and participation, and functioning of government.

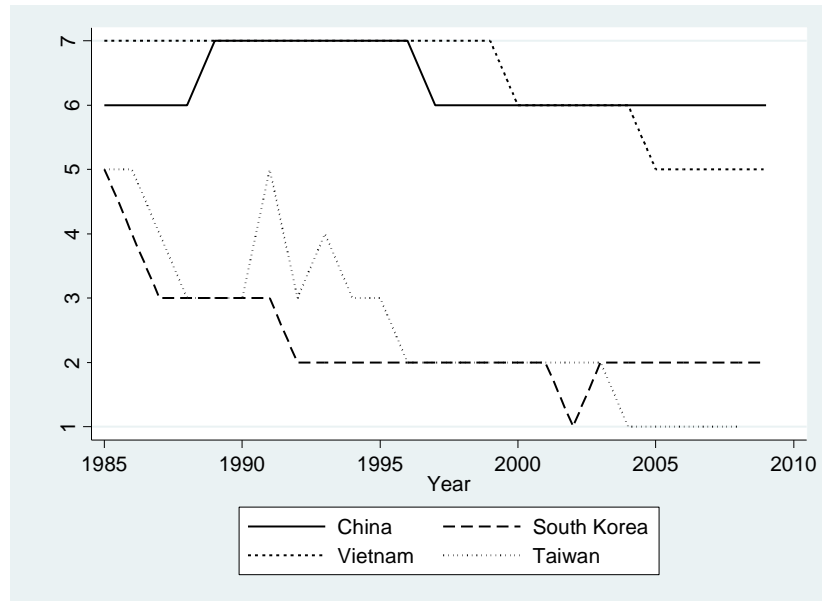


Figure 1-1: Trends of freedom in civil liberties in China, South Korea, Vietnam and Taiwan, 1985-2009.
Source: Freedom House Freedom in the World. Countries and territories with a combined average rating of 1.0 to 2.5 are considered "Free"; 3.0 to 5.0, "Partly Free"; and 5.5 to 7.0 "Not Free."

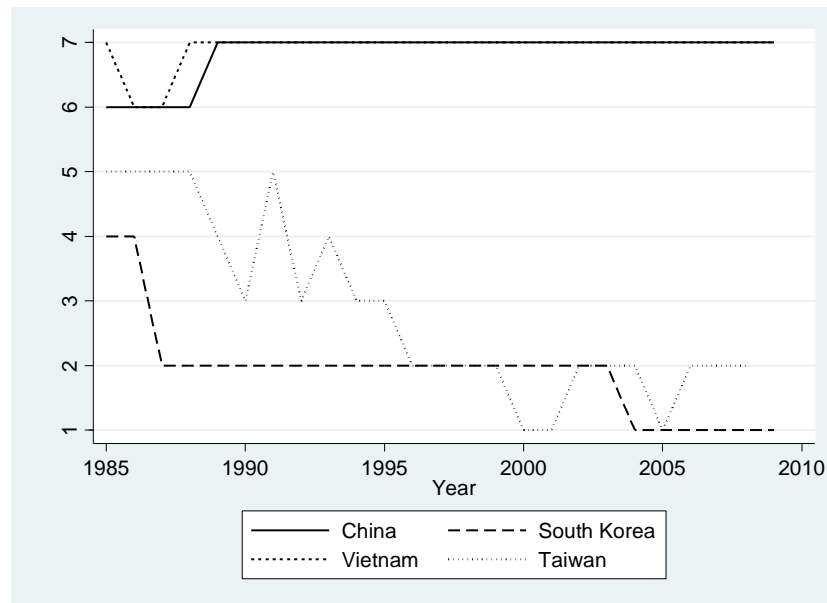


Figure 1-2: Trends of freedom in political rights in China, South Korea, Vietnam and Taiwan, 1985-2009.
Source: Freedom House Freedom in the World. Countries and territories with a combined average rating of 1.0 to 2.5 are considered "Free"; 3.0 to 5.0, "Partly Free"; and 5.5 to 7.0 "Not Free."

Despite these restrictions characterizing China's civil society, public opinion that identifies social problems and challenges the Chinese Party-state in the name of citizens has become increasingly vocal and influential on the Chinese government. The growth and vitality of this counterpublic sphere does not correspond to the existing theory based on experiences in Western Europe. This inconsistency between the extant public sphere literature and the Chinese case is the puzzle this dissertation aims to address: *How can we explain the presence and continuing existence of a flourishing nationwide counterpublic sphere in China despite the absence of the relatively autonomous and vibrant civil society theorized as necessary for such a public sphere to exist?* In other words, if the social-cultural foundation of the nationwide counterpublic sphere in China does not derive from a well-developed civil society, from where does it emerge? Given the government's suppression of civil society, how have Chinese citizens developed civic capacities to persuade one another and challenge the state? How can such a nationwide counterpublic sphere continue to exist?

1.2.3. The Significance of the Problem

The questions examined by this dissertation are significant because their answers can contribute to the understudied but crucial area of the public sphere. Prominent scholars from various intellectual traditions, particularly John Dewey (1927), C. Wright Mills (1956), Jürgen Habermas (1962), Hannah Arendt (1966), and Bruce Ackerman (1980), consider the capacity of publics and the function of the public sphere to be at the heart of

democracy and democratization. Nonetheless, few sociological studies pursue these topics. As Andreas Koller (2010:262) points out in a recent special issue of *Social Science History* devoted to the public sphere, “the study of the public sphere is a missing chapter in comparative historical sociology despite the rise of historical social science.” Scholars in media and communication studies have made greater efforts than sociologists to study the public sphere, but, not surprisingly, even this laudable research tends to focus on aspects related to media and information communication technologies (ICTs), owing to disciplinary boundaries. These studies treat critical conditions in broader contexts (e.g., state-society relationship and institutions beyond media) as exogenous, and thus contribute little to exploring the social-cultural foundation of the public sphere or explaining its development (Calhoun 1998; Habermas 2006; Koller 2010). Moreover, sociological study of the public sphere in non-Western contexts is even more rare. The unfortunate result is that scholars have tended to generate theories of the public sphere based on a small number of experiences in the West. By focusing on China and situating the Chinese case in relation to literature based on Western experiences, my dissertation helps to unpack the supposedly universal process by which a public sphere develops, rendering our understanding more locationally and historically specific.

The problem examined by this dissertation is significant also because it can deepen understanding of the critical process of democratization and liberalization in authoritarian contexts. The Chinese case is an example of *incremental* political transformation, in which citizens have gained more influence on the decision-making of the authoritarian state in a politically restricted environment. Social scientists tend to give little attention to

incremental political change in authoritarian countries, focusing instead on those occasions when a wholesale transition from authoritarian rule occurs, as evidenced by the surge of studies of civil society after the revolutions of 1989 in Eastern Europe. In these studies, the development of civil society is used to explain the regime transition, and scholars generate theories about democratization and liberalization based on these “successful” cases (Diamond 1994). Existing studies argue that the emerging civil society in Central Europe and the USSR was the result of the state’s failure to address systematic crises in the 1960s and 1970s. The state’s failure in these sites to homogenize and propagate values and represent different interest groups forced it to relinquish some social space, ultimately culminating in the collapse of the communist regimes (Bernhard 1993; Weigle and Butterfield 1992). These studies have limited ability to explain democratization and liberalization in cases where the state has coped with systematic crisis successfully and continues to restrict independent social groups, such as the Chinese case. Therefore, existing studies still cannot adequately address a critical question raised by Emirbayer and Sheller (1999:147): “Can changes in economic or political organizations, or even both, conduce to democracy in the absence of a self-organized citizenry?” By examining the relationship between the state, civil society, and the public sphere in China, this dissertation can illumine understanding of liberalization and democratization.

In sum, my core argument is that while theorists examining the emergence of the public sphere in Western contexts emphasize the role of civil society – broadly defined as space outside the state, the Chinese case suggests a completely unexamined and distinct process in which the state is the unintended and paradoxical architect of the counterpublic

sphere. In other words, precisely that actor whose absence from certain areas of life is theorized as so crucial to the development of the public sphere in traditional narratives – the state – emerges as the key to understanding the emergence of a counterpublic sphere in China, a setting where such a development was deemed an impossibility.

In the remaining three sections of this chapter, I present my theoretical framework, discuss methodology and research methods, and outline my argument and the organization of this dissertation.

1.3. THEORETICAL FRAMEWORK

In this section, I develop a theoretical framework to explain the rise of China's counterpublic sphere. I begin by discussing four perspectives related to the study of the public sphere: (1) the Habermasian framework, (2) the media-centered perspective, (3) the media effects perspective, and (4) the historical and cultural sociology perspective. I argue that these four perspectives are unsatisfying in terms of providing a comprehensive theoretical framework to analyze the Chinese case. I then present a multi-level theoretical framework that addresses the inadequacies of the four conventional perspectives. Rather than discussing any one of these approaches in depth or detailing their various strengths and weaknesses, my goal here is to discuss their relevance and contribution – or lack thereof – to the study of the Chinese case.

1.3.1. Four Perspectives Related To the Study of the Public Sphere

The Habermasian framework

Although Habermas's *The Structural Transformation* (1989) set a groundbreaking intellectual agenda and remains the most influential work in the study of the public sphere, it does not provide sufficient theoretical guidance for conducting empirical research (Benson 2004; Benson 2009; Calhoun 1992a; Emirbayer and Sheller 1999; Peters and Wessler 2008). There are two major issues with the Habermasian framework.

First, at the macro-level, the Habermasian framework tends to neglect the role of the state due to the assumptions it makes about the separation and opposition of state and society (Baiocchi 2003; Benson 2009; Eley 1992; Fraser 1990). Since this framework considers a non-interventionist state a condition leading to the rise of the public sphere and attributes the degeneration of the public sphere to an interventionist state (Habermas 1989), analysis of the role of the state is, by definition, minimal in theories of the rise of the public sphere.¹⁶ Yet, this neglect leads to an inadequate explanation of the development of the public sphere. Some scholars have pointed out the necessity to understand the state's deregulation of society and protection of the public sphere. As Eley (1992:321) astutely puts: "As Karl Polanyi always insisted, the road to laissez-faire was paved in state intervention. The same was true of sociocultural and political, no less than

¹⁶ In fact, there is little cross-fertilization between literatures on the public sphere and the state (Eley 1992: 19-20; Emirbayer and Sheller 1999). On the one hand, public sphere scholars, especially Habermas, focus on an analysis of society, to the exclusion of the state. Meanwhile, for their part, state theorists do not allude to political culture and the public sphere in their analysis of the state. In short, both traditions share a similar shortcoming – assuming a sharp separation of state and society.

economic freedoms: to deregulate society and confirm a protected space for the public, an entire regulative program was required.” Similarly, Michael Schudson (1994:532) argues: “...at least for liberal societies, it is important to see the place of the state in the construction civil society and the public sphere. I think it is important to examine not only how people make their voices effective in bringing issues before the public but how governmental institutions help to form the “voice” of citizens in the first place.”

Second, the Habermasian framework does not adequately specify the concrete action and process that lead to the rise of the public sphere. The cause of the problem is that this framework operates at a very high-level of analysis without having a clear and effective analytic strategy at the meso-level to make the macro-level analysis concrete. In Habermas’s analysis of the rise of the public sphere in Western European countries (1989), the transition from feudalism to a capitalist economy was considered the most fundamental causal condition for the emergence of the European bourgeois public sphere. A market economy led to the emergence of the conjugal family, which further produced agents with the capacity to conduct rational and critical arguments. In the end, it is abstract concepts such as capitalist economy and conjugal family that play the most crucial role in Habermas’s analysis. This leaves readers with questions about whether and how specific actors and their interaction with one another, with institutions, and with the larger environment play any significant role in the development of the public sphere.

The media-centered perspective

The media-centered perspective focuses on media and ICTs (Benson 2009; Calhoun 1998; Dahlgren 2005). In *The Structural Transformation* (1989), mass media is considered as one of the causes that led to the degeneration of the European public sphere. Although scholars criticize Habermas's treatment of mass media as being one-sided (Calhoun 1992b; Polan 1990), they agree that mass media plays a crucial role in the development of the public sphere (Baker 2002; Baker 2007; Benson 2009; Boggs 2000; Bourdieu 2001; Calhoun 1988; Cook 2006; Curran 1991; Dahlgren 1995; 2000; 2005; Kellner 2000; Schudson 2002; Thompson 1995).

Many studies have pointed to the impact of media system on politics. In the Western context, scholars have repeatedly argued that economic power has entrenched media systems and contributed to depoliticized public communication and politically alienated citizens (Boggs 2000; Bourdieu 2001). In the Chinese context, scholars study the political consequence of the state's policy shift in the media field. In the past, newspapers in China were totally subsidized by the state and expected simply to serve as mouthpieces of state propaganda. In 1992, the state began to substantially withdraw its funding of the media, forcing newspapers to rely on advertising and sales to survive. As a result of this process of media marketization, although newspapers are still state agencies responsible for propaganda, they are also market actors that must attract readers to survive. Scholars have studied the political implications of this process, yet most studies do not find the expected liberalizing effects. The most common argument is that media marketization has not

produced significant liberalizing effects in China given the state's updated control mechanisms (Hassid 2008; Lee 2000; Lynch 1999; Zhao 1998; 2004; 2008).

Furthermore, existing studies also consider whether and how new ICTs, especially the Internet, can ameliorate the pathological media system and impact the public sphere (Benkler 2006; Clay 2011; Dahlgren 2000; Dahlgren 2005; Downey and Fenton 2003; Papacharissi 2002). In the Chinese context, scholars debate the political consequences of the rise of the Internet. Some argue that the Internet has democratic consequences (Tai 2006:289; Tang 2005:87, 98; Yang 2009; Zheng 2008). Others contend that the Internet does not have democratizing consequences as it remains primarily a playground for entertainment under the control of the state (Kluver, Wu, Morozov, Wang, Bachman, and Yang 2010; Peters 2002; Yang 2009, p.10). There are also middle ground arguments that are more ambivalent about the development (Zhao 2008; Zhou 2006).

The media-centered perspective has its strength and weakness. Unlike the Habermasian framework, the media-centered perspective operates at a meso-level, mostly from the tradition of institutional analysis and field analysis. As such, this line of research specifies very well how concrete institutions and actions shape the public sphere. Despite these merits, the media-centered perspective has two related drawbacks. First, the single focus on media underestimates or even ignores the role of other spheres of life and institutions in constituting and shaping the public sphere, but actors and institutions beyond the media field can shape the social-cultural foundation of the public sphere as well (Alexander 2006; Habermas 1996). Media must draw on culture – conceptualized as

symbolic systems and relational practices – to produce news reports and discourse, but the media-centered perspective fails to map out this cultural structure, let alone explain its origin, contestation, and transformation. Furthermore, the media-centered perspective also tends to be inadequate in accounting for the social process that creates social bonds and antagonism. The second related drawback of the media-centered perspective is its treatment of identity formation – the process by which individuals see themselves and act as members of a public. As the media-centered perspective highlights the media system, it is limited in analyzing how other meso-level conditions and processes impact identity formation.

The media effects perspective

The main research question that the media effects perspective addresses is whether and how exposure to media impacts individual political attitudes and behavior (Lee 2005; McLeod and McDonald 1985; Mutz and Martin 2001; Norris 2005; Norris and Inglehart 2009; Weber, Loumakis, and Bergman 2003; Xenos and Moy 2007). Similar to the media-centered perspective, the media effects perspective also focuses on media, but it mainly operates at the micro-level. Drawing primarily on analyses of aggregated survey data, this approach provides evidence to evaluate whether and how media consumption and use of ICTs contributes to alienated or civic-minded citizens. Nonetheless, the media effects perspective is still limited in two ways. First, even though the media effects perspective researches the association between media use and political attitudes and behavior, it provides limited evidence of how this association is produced. Second, the

media effects perspective leaves critical institutional and social processes that shape the cultural and social foundation of the public sphere unanalyzed.

The historical and cultural sociology perspective

Drawing on institutional and social network analysis, the historical and cultural sociology perspective highlights how institutional and social processes produce the social-cultural foundation of the public sphere (Alexander 2006; Emirbayer and Sheller 1999; Somers 1995). Unlike the media-centered perspective, the historical and cultural sociology perspective does not restrict itself to the media system. For instance, in Alexander's (2006) analysis of the American public sphere, Alexander incorporates not only communication institutions, but also legal institutions and the institutions of voting and political parties into his analysis. Since the historical and cultural sociology perspective does not restrict itself to studying media, it provides more a holistic and comprehensive analysis of the public sphere. Yet, the historical and cultural sociology perspective still has two inadequacies.

First, the historical and cultural sociology perspective tends to be limited in theorizing the relationship between dominant and counterpublic spheres in an environment where fundamental political and civil rights and a basic consensus about democracy are lacking. This problem is that scholars in this tradition have worked from a baseline understanding of a certain type of society where certain things can be taken for granted. For instance, in Alexander (2006)'s analysis of the public sphere in the United States, he addresses how dominated groups and their supporters utilized institutions to

channel their voices and mobilize social movements. Importantly, though, as dominated as these groups and their supporters were, they did have certain basic rights to speak out and initiate collective action. According to Alexander's analysis, a certain consensus also existed in American society about the most fundamental principles of democracy. The contestation was not so much about these basic principles, but about how to apply these principles to determine who ought to be included in civil society. Similarly, Emirbayer and Sheller's framework (1999) explicitly assumes the existence of fundamental rights that protect civil society. But these assumptions about fundamental rights and consensus about democracy do not hold in a context like China. An adequate explanation of the Chinese case thus requires extra theoretical elements to explain how dominated groups were able to overcome enormous political hurdles.

Second, the historical and cultural sociology perspective pays little attention to the macro-process at and beyond the level of the nation-state. This implicit assumption about the insignificance of the macro-process may not always hold true. As Habermas's analysis demonstrates, the development of the European public sphere was conditioned by the transition from feudalism to capitalist economy (Habermas 1989). Scholars further point out that the building of nation-states may impact the development of the European public sphere as well (Calhoun 1992b; Eley 1992). In the contemporary world, the process of globalization and transnational institution building can impact the public sphere through shaping domestic institutions, culture, and pattern of social relationship (Fraser 2007; Nanz and Steffek 2004). Hence, an adequate theoretical framework should take the macro-process into account.

Understanding the strengths and weaknesses of the above four perspective helps to develop a theoretical framework to study the Chinese case. On the one hand, the four perspectives highlight different levels of analysis. Their contributions suggest the necessity to develop a theoretical framework that can integrate various levels of analysis. On the other hand, the four perspectives all impose assumptions that may not be appropriate across contexts. To adopt the insights of the four perspectives and address their inadequacies, I develop a multi-level theoretical framework that is not restricted by the problematic assumptions of the four perspectives.

1.3.2. A Multi-Level Analysis of China's Counter public Sphere

In this section, I flesh out the theoretical framework that I use to pursue my research problem. At the macro-level, my theoretical framework incorporates an analysis of the state, highlights state-society relations, and considers the impact of global conditions. To investigate how the macro-process led to concrete action that contributed to the counterpublic sphere in China, I propose to study the development and overlap of the media and legal fields from the perspective of field theories. Finally, my theoretical framework includes an analysis of politicization at the micro-level and its co-constitutive relationship with meso-level processes.

Macro-level analysis

My theoretical framework highlights state-society relations at the macro-level in order to address the inadequacy of the Habermasian framework's assumption regarding

the irrelevance of the state to the rise of the public sphere. Similar to Eley (1992) and Schudson (1993)'s critiques calling attention to the state's deregulation of society and protection of the public sphere, I advocate analyzing the state's role in the development of the counterpublic sphere. But whereas Eley and Schudson's critique and studies of Chinese politics from the state-society relation perspective (Perry 1994; Zhao 2001; Zheng 2008) only suggest studying the intended consequences of state action, I propose to analyze both *intended* and *unintended* consequences of the state's action on state-society relations. The state is not a clearly bounded and monolithic entity (Bourdieu 1994; Bourdieu and Wacquant 1992; Clemens and Cook 1999; Fligstein and McAdam 2011; Lieberthal 1992). Though state actors in authoritarian contexts tend to inhibit society, certain state actors could intentionally contribute to the growth of a counterpublic sphere even in a politically restricted environment. Furthermore, owing to the complexity of institutional processes, state actions addressing any one problem or crisis can have unintended consequences in other realms (Krippner 2011). To be sure, merely pointing out the existence of unintended consequences is not adequate, so it is important also to specify the conditions and mechanisms by which unintended consequences conducive to liberalization and democratization can occur. To examine the intended and unintended consequence of the state's action, I disaggregate the state along temporal, sectoral, and regional dimensions and explore various roles of state actors in contributing to the cultural and social foundation of China's counterpublic sphere.

At the macro-level, my theoretical framework also considers China in a global context, as this context and the conditions therein can structure the action of both state

and non-state actors and impact state-society relations. The nation-state does have sovereignty and agency, but its actions are also conditioned by the global political economy and transnational institutions (Castells 2008; Fraser 1990). Existing studies have shown how the Chinese state has been both constrained and enabled by the global capitalist economy and transnational institutions in its pursuit of political and economic goals. For instance, in order to profit from international trade, the Chinese state subjected itself to the rules of the World Trade Organization (WTO) when building domestic institutions (Bhattasali, Li, and Martin 2004; DeWoskin 2001; Lee 2003; Lin 2004; Pangestu and Mrongowius 2004; Wang 2001; Zhao 2008). Similarly, global conditions, especially when translated into local institutions and culture, can also impact non-state actors and their relation to state actors (Guthrie 2009). As Lin Yutang's (1936) study of the history of public opinion in China shows, the development of China's modern press was highly influenced by European missionaries and Western notions of democracy, freedom and constitutionalism. Furthermore, the mobilization of public opinion in the Qing Dynasty against the state was a reaction to capitalist imperialism. Accordingly, scholars of the public sphere who emphasize the enormous disparity in socioeconomic, political, and cultural conditions in the Chinese and European contexts (Calhoun 1993; Wakeman Jr 1993) should also consider similarities across contexts due to global processes.

In short, at the macro-level, my theoretical framework incorporates an analysis of the state, highlights state-society relations, and takes into account global conditions. Yet, as the critique of the Habermasian framework suggests, if a macro-level analysis is not

complemented by a meso-level analysis, the former tends to be too abstract and susceptible to problematic assumptions about the homogeneity of actors. In order to investigate the concrete processes and actions that led to the rise of the counterpublic sphere in China, I include in my theoretical framework a meso-level analysis based on field theories. Specifically, I propose to study how macro-level processes impacted the development and overlap of media and legal fields, as well as the consequence of these field-level processes for the development of China's counterpublic sphere.

Meso-level analysis

Although studies from the historical and cultural sociology perspective draw on institutional and social network analysis to study the public sphere (Alexander 2006; Emirbayer and Sheller 1999; Somers 1993), I propose to conduct meso-level analysis from the perspective of field theories. Field analysis provides an effective analytic perspective for two reasons. First, the nature of a public sphere as a field makes field analysis an appropriate approach to study the public sphere. A field is a meso-level order where actors interact with one another based on a set of common understandings regarding the purposes of the field, the relationships between actors, and the rules in the field (Fligstein 2001; Fligstein and McAdam 2011). Although public spheres can have different characteristics, one of most common and primary purposes of a public sphere is to identify fundamental societal problems, analyze their causes, and search for solutions. Through discussing societal problems, individual and collective actors aim to influence

politics (Gurevitch and Blumler 1990; Habermas 1989; 1996; 2006; Peters 2008).¹⁷

Members of a public interact according to a set of common rules (Alexander 2006; Emirbayer and Sheller 1999; Habermas 2006). Once the rules of the game are established, actors need to exert political influence according to these rules in the public sphere. Even politically and economically powerful actors need to convert their power into appropriate logics that are recognized in the public sphere in order to exert their influence (Habermas 2006). As such, a public sphere is essentially a field. As field theories provide an arsenal of analytical tools to analyze the formation of fields, as well as their stability and transformation (Fligstein and McAdam 2011), field analysis is helpful for researching the development of a public sphere.

Second, field analysis provides more analytical leverage than alternative approaches at the meso level of analysis. Like institutional and social network analysis (Alexander 2006; Emirbayer and Sheller 1999; Somers 1993), field analysis highlights the significant role of institutions and social networks in constituting and shaping the public sphere (Bourdieu 2005). As such, field analysis can also incorporate insights from institutional theories and social network analysis. Compared with other approaches, however, field analysis also has a unique analytical strength.

Certain versions of field theories accentuate the conditions and mechanisms that lead to field overlap – the intersection of fields – and the consequences of field overlap in

¹⁷ The news media are expected not only to uncover problems, but also to help the public analyze those problems and come up with solutions. These practices are broader than what is conventionally referred to as “watchdog journalism,” as the latter only focuses on fact-finding, especially facts regarding illegal practices.

terms of creating structural opportunities for mobilization and social change (Bourdieu and Wacquant 1992; Evans and Kay 2008). This theorization of field overlap is important for the study of the public sphere because a public, by definition, is comprised of actors coming from different fields of life. The emergence and transformation of the public sphere can be conceptualized as the result of a series of field overlaps from the perspective of field theories (Benson 2009). Field theories thus help to investigate the integrative process by which various actors form a public. Furthermore, as I have stated, the historical and cultural sociology perspective tends to be limited in explaining the rise of a counterpublic sphere in an environment where fundamental political and civil rights are lacking. The focus of field theories on how field overlap creates structural opportunities for change helps to understand the conditions and mechanisms by which challengers can transform a field despite the dominance of incumbents.

Given that field theories and the notion of field overlap in particular can illuminate the study of the Chinese case, the next question to consider is which fields are of particular importance to the development of China's counterpublic sphere. I argue that a sufficient analysis should consider the development and intersection of the media and legal fields. As such, my theoretical framework differs from the media-centered perspective in that it considers more than just the relationship between the media field and the public sphere. This approach also differs from the historical and cultural sociology perspective in that it explicitly theorizes the conditions and mechanisms leading to the overlap of the media and legal fields, as well as the consequences of this overlap.

The media field is crucial to the public sphere for two reasons. First, the media field provides an integrative interface. It links individuals through the production and circulation of information, particularly news. In the media field, the main actors are journalists, media organizations, regulatory agencies, ordinary citizens, and advertising buyers. The mass media reaches numerous readers in a large-scale society. Furthermore, in the process of producing news, journalists are also likely to establish connections with actors in other arenas, such as intellectuals, organizations, grievants and state agencies. The kind of social networks that journalists establish can impact news production. Second, the media field is a venue where political culture is produced and disseminated. Existing studies show that characteristics of the media field and media, such as the relationship between professional, market and political power in a media field, and the properties of ICTs, can impact the production of news, public discourse and political culture (Baker 2002; Baker 2007; Benkler 2006; Calhoun 1988; Calhoun 1998; Cook 2006; Schudson 2002; Thompson 1995). When the media is able to mediate the discussion of fundamental societal problems, it can help to produce a more critical political culture and facilitate the function of an effective public sphere (Gurevitch and Blumler 1990; Habermas 1989; 1996; 2006; Peters 2008). In essence, the media field is critical to the development of the public sphere, but how it shapes the public sphere is indeterminate.

Although my theoretical framework incorporates an analysis of the media field, I do not assume that the media field and the media shape the public sphere in homogeneous ways; rather, I suggest investigating variations among media and among different media fields as heterogeneity can drive the transformation of the public sphere and trigger the

formation of a counterpublic sphere. The conventional view tends to see mass media as uniformly unbeneficial to the advancement of democracy (Boggs 1997; Bourdieu 2001; Graber 2003; Habermas 1989; Mills 1956). Conforming to this view, scholars writing about the Chinese context often describe Chinese media as being successful in disseminating propaganda for the government and pursuing economic benefits, but as disinterested in democratic causes (Brady 2007; Lynch 1999; Pan 2010; Zhao 2004).

This conventional view is not so much wrong, as inattentive to the variation within the media. Both media organizations and media fields can be different across temporal and spatial dimensions. For example, various configurations of market, political, and professional power in regional media fields can contribute to differences in media organizations across regions in a nation. Advancement of ICTs can also lead to differences in media fields over time. Inattention to this variation is consequential as historical studies on liberalization and democratization have shown that alternative media can amplify dissident voices, galvanize mass support, and advance liberalization and democratization (Lee 2003; Tang 2006). Accordingly, my theoretical framework highlights variation among media organizations and media fields, the causes of this variation in a politically restricted environment, and the consequences of this variation for the development of China's counterpublic sphere.

In addition to the media field, my theoretical framework incorporates an analysis of the legal field. The role of the legal field is rarely discussed in the literature on the public sphere. In the legal field, the main actors are lawyers, their professional associations, law

firms, legal official, state agencies, and ordinary citizens; the main agenda in the legal field is the interpretation and application of law (Edelman et al. 2010). The legal field should be incorporated into analysis of China's counterpublic sphere for three related reasons. First, under certain conditions, the legal field can provide a cultural integrative interface. As Habermas (1996:353-354) pointed out, law serves as a common cultural medium and language for citizens to identify and talk about problems across different spheres of life. To be sure, Habermas's statement depends on many factors, such as legal tradition and the state's effort to diffuse law to citizens. In many authoritarian countries, legal principles and texts remain unknown to citizens and irrelevant to everyday life.¹⁸ Yet, when law penetrates society, it can serve as a common cultural medium.

Second, although law is an instrument of domination, it can also be a symbolic resource for challenging the state's power (Bourdieu 1987; 1994; Bourdieu and Wacquant 1992:112), and this has critical implications for explaining how resistance and opposition is possible in a politically restricted environment. Given its institutional characteristics, law can be a resource that can be used against the state. Using codified law to govern is a form of symbolic domination through which the state imposes a common set of coercive norms (Bourdieu 1987; 1994; Bourdieu and Wacquant 1992:112). The dilemma facing the state is that it cannot reap the benefits of this domination without at least appearing to subject itself to the order of law (Bourdieu 1987; Bourdieu 1994). Existing studies show that when authoritarian states begin to use law to govern the populace and recognize

¹⁸ See, for example, discussion of this issue at the World Justice Project website: <http://worldjusticeproject.org/> (Accessed April 30, 2013).

citizens' rights, citizens respond by learning how to mobilize law to negotiate and contend with the state (Lee 2007; Moustafa 2007; O'Brien and Li 2006). Furthermore, law's cultural characteristic as a plastic medium allows actors to develop alternative discourse and thus facilitates political contention (Balkin 2009; Somers 1993). Legal reasoning is often indeterminate as the process of fact-finding, application of legal doctrines, and interpretation of law is rife with opportunities for innovation and contestation (Balkin 2009). Citizens are not necessarily bound by the state's interpretation of legal texts or principles. Of course, whether ordinary citizens are able to use law as a resource against the state hinges on many factors, particularly support from legal professionals. This relates to my third reason explaining why the legal field is critical to the development of China's counterpublic sphere.

Third, legal professionals can play a critical role in connecting oppositional forces and promoting a critical political culture. Legal professionals have expertise in turning law into a symbolic resource against the state's power. Their occupation also gives them opportunities to interact with citizens who encounter injustice. Therefore, the legal field can be a critical venue for resistance. To be sure, legal professionals may not have an interest in using law to challenge the state, and the authoritarian state tends to regulate the legal profession. Nonetheless, as studies of democratization in South Korea and Taiwan suggest, the legal field in an authoritarian context tends to become more diversified over time. Although the majority of legal professionals are likely to remain aloof to politics, some legal professionals can begin to challenge the authoritarian state and mobilize

contention (Chou and Nathan 1987; Yang 1993). When legal elites are able to connect with other social groups and spread their viewpoints, they can contribute to the formation of oppositional discourse and a critical citizenry, while also spreading resistance. It is thus critical to investigate how a highly regulated legal field can diversify and cultivate politicized legal professionals.

In addition to analyzing the media and legal fields, I propose to investigate the conditions and mechanisms that can lead to the overlap of the two fields, as well as the consequence of this overlap. As I have stated, variation within the media and legal fields can drive transformation of the dominant public sphere, but critical media organizations, journalists, and legal professionals are likely to be the minority in their respective fields. It is thus important to consider whether and how this limited influence can be integrated and amplified. In this aspect, field theories provide critical insight as they theorize how actors can overcome unfavorable conditions and gain political leverage through field overlap mechanisms. According to field theories, field overlap is a critical structural condition that facilitates political mobilization and contention. When two fields intersect, actors in one field have an opportunity to access and utilize material and symbolic resources in the other field, thus having more leverage to resist dominant logics and bring about change (Edelman, Leachman, and McAdam 2010; Evans and Kay 2008; Thornton and Ocasio 2008). The complexity and interconnection of institutions in contemporary society (Edelman et al. 2010; Friedland and Alford 1991) creates multiple opportunities

for actors to use field overlap mechanisms. It is thus critical to analyze how institutions enable and facilitate the overlap of the media and legal field.

In sum, in order to investigate how concrete processes and actions led to the rise of the counterpublic sphere in China, I propose to study the development and overlap of the media and legal fields from the perspective of field theories. Thus far, my theoretical framework focuses more on how political elites – government officials and media and legal professionals – shape and connect the media and legal fields in intended and unintended ways. Nonetheless, the rise and sustainability of the counterpublic sphere still depends on the participation of ordinary citizens in forming public discourse and influencing politics. Therefore, my theoretical framework further incorporates an analysis of how ordinary citizens become a member of the counterpublic sphere at the micro-level and the consequence of this politicization for the development of the counterpublic sphere.

Micro-level analysis

At the micro-level, my theoretical framework focuses on identify formation and political participation, as well as how politicization at the individual level creates a boundary that delineates a counterpublic sphere. Identify formation – how an individual relates himself or herself to other citizens and the state – is critical to the constitution of a public, as members of a group require some common identity (Calhoun 1992b; Dahlgren 1995; 2005; Fraser 1990). Identity also shapes political action and social boundaries (Calhoun 1991b; Tilly 2002; 2005). An investigation of identity formation and its

consequences for political action and social boundaries is particularly important for analyzing China's counterpublic sphere as this will help to explain how collective feelings of exclusion and antagonism against the state first emerged and became the basis for political participation.

I propose to examine identity formation and its relation to political participation and meso-level dynamics by analyzing the transformation that occurs for actors themselves as they experience changes in a broader political environment and participate in the discursive arenas. I pay particular attention to how the dynamics in media and law fields jointly shape identity and political participation, as existing studies suggest that the media can mediate the formation of a common identity (Anderson 1983; Dahlgren 1995) and law can empower citizens and provide a basis for forging identities (Somers 1993). In addition, since existing studies suggest that a shared cultural medium in a society can be used to create social bonds and division (Alexander 2006), I will also investigate how citizens draw on the cultural medium that is partly established and diffused by actors in the media and legal fields to generate solidarity, division, and antagonism.

1.4. METHODOLOGY AND RESEARCH METHODS

To pursue the research problem of the dissertation, I employ negative case methodology from the perspective of comparative historical sociology. A negative case is an anomalous case in which the outcome predicted by a theory does not occur (Emigh 1997; Smelser 1973). Negative case methodology examines such anomalous cases against a theoretical explanation that embodies knowledge of numerous cases. Although negative

case methodology examines a single case, it is intrinsically comparative as it compares the anomalous case with a theory based on multiple cases. The negative case methodology is consistent with Lakatos's philosophy of science and his calls for pursuing a progressive research program (Lakatos 1975). Instead of refuting existing theories and their hard-core propositions, negative case methodology aims to expand the range of a theory's explanation by incorporating potentially damaging findings into the existing theory. In so doing, negative case methodology preserves the fundamental proposition of a theory, while further developing its content and expanding its range of application (Emigh 1997).

Employing negative case methodology, I examine the Chinese case against the existing theory of the public sphere that derives from cases in the West. The Chinese case is a negative case as it deviates from the prediction based on the existing theory. As discussed earlier, according to existing literature on the public sphere, which is primarily based on research in Western contexts, a thriving nationwide counterpublic sphere should not exist in China owing to the absence of a necessary condition – an autonomous and well-developed civil society. Yet, this prediction has not been borne out in China. On the contrary, a flourishing nationwide counterpublic sphere has emerged and continues to exist. The anomaly of the Chinese case thus provides an opportunity to expand the theory of public sphere. Rather than abandoning the hard-core proposition of the existing theory – namely, that a social-cultural foundation is needed for a public sphere to grow and persist, this dissertation explores alternative paths by which the public sphere in China developed, in the absence of an active civil society. By specifying the form the

social-cultural foundation of the public sphere has taken in China, how that foundation was formed given unfavorable conditions, and how this foundation has been used to formulate public opinion that challenges the state, this dissertation extends the theory of the public sphere beyond the Western contexts.

I examine the Chinese case through a multi-faceted, comparative, and historical analysis that draws on a variety of sources. When employing negative case methodology, scholars often draw on a variety of research methods to investigate the connection between different aspects in a single case. The purpose is to understand a single historical trajectory in detail (Emigh 1997). I follow the same strategy, triangulating various types of data and methods of analysis in order to enhance the validity of my empirical analysis. Since each empirical chapter in the dissertation has its own distinct research design, data sources and research methods, I will describe research design, data sources, and research methods in detail in each empirical chapter. Here, I present only the major data sources that I analyzed. These include:

(1) Newspapers: I analyzed content of newspapers at both national and local levels published in China between 1949–2010 and across localities.

(2) Yearbooks, laws and regulations, and other official documents: I examined Chinese Journalism Yearbooks between 1983 and 2008, Law Yearbooks of China between 1987 and 2010, gazetteers published by local governments, and Party Congress reports. I searched Chinalawinfo (a law database established by Peking University) to research laws and regulations that regulate media, the Internet, and news production.

(3) Speeches and anthologies of CCP leaders: I examined speeches and anthologies of CCP leaders to investigate how they decided to develop media and legal institutions in China.

(4) Interviews data: I conducted in-depth interviews with informants and ordinary citizens between 2009 and 2012 in China and the United states. I conducted 78 in-depth interviews with informants. I interviewed experienced journalists in many newspaper organizations. The journalists I interviewed are well-positioned to recount the development of the press. I also interviewed high-level employees at the four major Internet portals in China. Companies like Yahoo in the U.S. are Internet portals. In China, these portals provide news service and operate social media. As such, they provide critical venues where news and public discourse are circulated and produced. Additionally, I interviewed scholars and government officials familiar with media, telecommunications services, and China's WTO negotiations. I also interviewed lawyers and legal scholars. Finally, I interviewed public intellectuals and activists. All interviews were organized around a set of questions tailored to the respondent's area of expertise. In addition to informants, I also conducted 50 in-depth interviews with citizens in 2011, as ordinary citizens are consumers and producers of news and public discourse. I conducted in-depth interviews to understand the transformation that occurred for citizens on the ground.

(5) Survey data: I analyzed the 2002 Asian Barometer Survey, the 2008 Asian Barometer Survey, the 2002 AsiaBarometer Survey, and the 2006 AsiaBarometer Survey to investigate the relationship between perceptions of institutional contradictions, use of

information technology, and political attitudes towards institutions in China. I also analyzed the World Values Surveys (WVS, 2005-2008) data to investigate the relationship between media and political attitudes and to examine whether my findings in the Chinese case hold true in other contexts. The dataset has 54 countries, but because questionnaire items on my variables were not available for six countries, my analysis is restricted to 48 countries.

1.5. MY CENTRAL ARGUMENT AND CHAPTER OUTLINE

The central argument of this dissertation is that while civil society plays a key role in enabling and facilitating the development of the public sphere in Western contexts, in the Chinese case it is the state that is – unintentionally and paradoxically – the architect of the counterpublic sphere. While continuing to suppress public opinion and restrict civil society, the Chinese state responded to the legitimization crisis it faced in the late 1970s by creating legal institutions and transitioning to a market economy connecting China with the rest of the world. In doing so, it inadvertently contributed to the social-cultural foundation for a counterpublic sphere. In the process of institution-building at both local and global levels to address the state's crisis and enhance its legitimacy, state actors rebuilt the legal field and reconstructed the media field. In the process, the state unwittingly created symbolic resources for resistance and facilitated the overlap of the media and legal fields, leading to the formation of collaborative networks that connected media professionals, legal professionals, other elites, and ordinary citizens. State and non-state actors embedded in these social networks appropriated the institutions built by

the state to form and spread oppositional discourse that challenges the state and the dominant discourse. Certain state actors, particularly certain newspapers, intentionally contributed to this counterpublic sphere; others did so unwittingly. In this respect, part of what we think of as civil society in Western contexts actually exists within the Chinese state as these state agencies helped citizens to build the same symbolic structure to communicate, develop a collective identity, and understand their rights and responsibility to participate in politics. Furthermore, as the social-cultural foundation of the counterpublic sphere has been sustained by the institutions built by the state, the state, in turn, cannot completely crack down on this counterpublic sphere to the extent that it cannot fundamentally change these institutions.

Having argued for the critical importance of the state in facilitating the rise of the nationwide counterpublic sphere in China, I should emphasize that I am not suggesting that non-state actors no longer play a significant role. Rather, I argue that only when we attend to the intended and unintended consequences of state action can we better account for the rise of the nationwide counterpublic sphere in China.

In order to develop my central argument, I organize the rest of the dissertation as follows: In Chapter 2, I first establish the existence of a flourishing nationwide counterpublic sphere in China through a longitudinal study from 1949-2010. As Robert Merton (1959:xiii) once usefully reminded sociologists, it is wise to ensure the existence of a fact before giving an explanation of it, so as to avoid providing explanations for “things that never were.”

In Chapter 3, I investigate the origin and diffusion of the symbolic structure of China's dominant public sphere and counterpublic spheres, as culture is one of the critical foundations of the public sphere. This chapter focuses on the interaction of the macro- and meso- level process. I explore how the macro-conditions – the CCP's legitimization crisis in the aftermath of the Cultural Revolution – contributed to the Party-state's decision to build the legal field and recognize law as a critical form of symbolic resource even though the Party-state did not intend to build a rule of law under liberal democracy. The Chinese state's extraordinary ability to disseminate law to the public made China one of the very few authoritarian countries where legal information is widely accessible and comprehensive to citizens. As a result of law dissemination, the Chinese state established a shared symbolic structure based on laws and rights that penetrates the society.

In Chapter 4, I examine how the development of the legal field led to unintended consequences that facilitated the production of critical news reports – reports that identify fundamental societal problems, analyze their causes, and search for solutions – even though critical news reporting is often discouraged, if not completely suppressed by the state. This chapter studies how a macro-level condition, the Chinese state's embrace of the market economy, shaped the state's decision to reconstruct the media field and make Chinese media simultaneously state and market actors. This decision was an important condition that led to variation among media organizations in terms of critical news reporting. After identifying this variation, I address how and why certain media organizations were able to use field overlap mechanisms to access resources in the legal field, collaborate with legal professionals, and appropriate the symbolic structure based

on law for critical news reporting, despite pervasive censorship and restricted political environment.

In Chapter 5, I examine the processes by which the limited liberalization effects outlined in Chapter 4 escalated into a nationwide counterpublic sphere, with a particular focus on meso- and micro-level interaction. This chapter first analyzes how the Chinese state decided to expand and restructure the media field, given the emergence of new ICTs and the benefits that accrued with joining the WTO. Next, I investigate how this restructuring inadvertently amplified the influence of pro-liberal media and legal professionals and further triggered a series of field overlaps. I show how these processes extended critical cultural elements and practices from legal and media professionals to other elites and ordinary citizens. Then, I study how the above meso-level process impacted identity formation and led to the politicization of citizens. Finally, I investigate how this politicization, in turn, drove the formation of public discourse and opinion, delineating the contours of an emergent counterpublic sphere.

In Chapter 6, I summarize the research findings and discuss their contribution to the existing literature. I also consider the generalizability and limitations of the research. I end the dissertation by discussing the broader implications of the findings and giving recommendations for further research.

In the Appendix A of the dissertation, I present analysis of the Asian Barometer Surveys data and the AsiaBarometer Surveys data to show the declining trust in institutions, as well as the relationship between media use, perceptions of institutional

contradiction, and trust in institutions in China. In the Appendix B of the dissertation, I present analysis of the World Value Surveys data. The purpose is to facilitate discussion of the extent to which my findings in the Chinese case are relevant to other contexts. As these analyses are not key components to my research problem, they are reviewed only in the appendices, rather than the main text of the dissertation.

Chapter 2

Situating the Rise of a Nationwide Counterpublic Sphere in Historical Context

The two premises of this dissertation are that a flourishing nationwide counterpublic sphere has emerged in China, and that such a sphere is unprecedented in the PRC's history. Previous case studies have provided scattered evidence of a counterpublic sphere in China (Qian and Bachman 2010; Tai 2006; Zhao 2008), yet there has been no systematic effort to demonstrate its historical roots, emergence, growth, and significance. As Merton (1959:xiii) usefully reminded us, it is advisable to ensure the existence of a fact before trying to explain it, as social scientific explanations are often provided for "things that never were." To avoid this fallacy, my primary aim in this chapter is to establish the existence of a qualitatively new, active, and growing nationwide counterpublic sphere in China by studying the development of public opinion there between 1949 to 2010.

My secondary aim in this chapter is to situate this development of public opinion and the public sphere over time in the country's broader historical context, particularly its macro-political conditions and institution-building in the media and legal fields. This contextualization helps to ground my analysis and points to the necessity of examining

how institutional processes in the media and legal fields created the social-cultural foundation of the current counterpublic sphere.

In order to achieve these two aims, I organize this chapter in two parts. In the first part of the chapter, I address how to operationalize the notion of a flourishing nationwide public sphere in an authoritarian context. I propose that patterns in the state's response to public opinion can serve as a valid indication of such a sphere. Next, I discuss my data analysis strategy and the development of public opinion over time. In the second part of the chapter, I describe the fluctuation of macro-political conditions and the interplay of institution-building processes in the media and legal fields. Finally, I situate the development of public opinion in China within these historical contexts.

2.1. THE DEVELOPMENT OF PUBLIC OPINION AND THE PUBLIC SPHERE IN CHINA

2.1.1. Operationalizing a Flourishing Nationwide Counterpublic Sphere in Authoritarian Contexts

Owing to its abstraction, the concept of a counterpublic sphere is very difficult to study empirically. In addition, as the state-society relationship varies tremendously across political regimes, how “counter” is conceptualized in authoritarian contexts may not have the same meaning or analytical utility in other political contexts. In authoritarian contexts, the asymmetrical power relation between the state and citizens is presumably the most fundamental source of domination, whereas class structure, gender, race, or ethnicity may

play a more vital role in other contexts. Since this dissertation studies the rise of a counterpublic sphere in an authoritarian country, to reduce unnecessary challenge and complexity, I limit my operationalization to authoritarian contexts.

I operationalize what I call “a flourishing national counterpublic sphere” through two steps. First, I relate the concept of the public sphere to public opinion. According to Habermas (1996:360), the public sphere is a “network for communicating information and points of view,” where information and viewpoints coalesce into bundles of public opinion through communication. As such, the public sphere is also a space generated by the production and circulation of public opinion. Accordingly, the existence of public opinion – collective will formation of citizens – indicates the presence of some kind of public sphere.

Next, I connect the concept of counterpublic sphere in authoritarian contexts to the response of the state – specifically, I propose using the type and degree of the state’s response to public opinion as an indication of the presence and potential influence of a nationwide counterpublic sphere. As Habermas points out, since the political potential of the public sphere lies in its political influence, the most critical feature of the public sphere is its reflexivity, which means that the effectiveness of public opinion depends on the response of its multiple addressees (Habermas 2006). Formation and dissemination of public opinion requires resonance from citizens. Moreover, as the public sphere has limited capacity and resources to solve problems by itself, it eventually relies upon formal political institutions to address problems. As such, the public sphere must be able to

thematize and dramatize problems so they are perceived and addressed as such by formal political institutions (Habermas 1996:359). Essentially, without studying how public opinion is perceived by its addressees, it is impossible to gauge the political influence and development of the public sphere.

In the context of liberal democracy, public opinion may influence the voting behavior of citizens and decision-making in parliaments, administrative agencies and courts (Habermas 1996:363). As the legitimacy of the government is established through voting, citizens' right to vote buttresses the political influence of the public sphere on political institutions. Although they can decide to take an acknowledging, negative, or indifferent attitude toward public opinion, elected government officials and legislators understand that an improper response to public opinion could have negative consequences (Habermas 2006).

By comparison, in authoritarian contexts, the state has a wider range of choices regarding its response to public opinion, and the state's decision has larger political consequences for the state-society relationship. Without *de facto* voting rights for citizens to withdraw legitimacy, the state has broad latitude to decide how it manages public opinion. Suppression of public opinion, which can hardly be done in liberal democracies, is a common choice for authoritarian rulers. Moreover, precisely due to the lack of effective alternative institutionalized channels for citizens to influence formal political institutions, the extent to which citizens can influence state decision-making through public opinion is all the more consequential – and, thus, in the interests of the state to

control (Zheng 2008). The important role of the state in determining the political influence of public opinion suggests the value of studying the public sphere through the lens of the state.

I propose that the patterns of the state's response to public opinion can indicate the following four kinds of public sphere as Table 2-1 shows:

- (1) *No noticeable public sphere*: An authoritarian state can choose to react to or simply ignore public opinion. Arguably, if the public sphere was not influential, the state would not need to respond to its demands at all. Therefore, an authoritarian state's indifference to public opinion over time indicates the absence of a noticeable public sphere. This situation is the first outcome in Table 2-1.
- (2) *Non-oppositional public sphere*: Conversely, an authoritarian state's interaction with public opinion indicates the political influence of a public sphere. The reaction of the authoritarian state indicates not only how quantitatively influential that sphere is, but also what kind of political influence it has. When an authoritarian state decides to react to public opinion, it can take an affirmative approach, a restrictive approach, or both. Examples of an affirmative approach include recognizing public opinion as an independent social force and acknowledging a need to understand public opinion. Examples of a restrictive approach include attempts to control, manipulate, or suppress public opinion, etc. When an authoritarian state frequently takes an affirmative approach but infrequently takes a restrictive approach (the second

outcome in Table 2-1), its decisions indicate that neither public opinion nor the public sphere are perceived as threatening or oppositional to authoritarian rule.

- (3) *Weak counterpublic sphere*: If an authoritarian state frequently adopts a restrictive approach but infrequently takes an affirmative approach, then the public sphere is considered antagonistic to the state. Nonetheless, because this counterpublic sphere is contained by the state without a need for the state to compromise, its political influence is still limited. This possibility is the third outcome in Table 2-1.
- (4) *Strong counterpublic sphere*: Finally, if an authoritarian state frequently takes both restrictive and affirmative approaches (the fourth outcome in Table 2-1), this indicates that the state both regards public opinion as threatening, and decides that it cannot afford to simply suppress that opinion. In this situation, the existence of a counterpublic sphere can be read off of the state's hostile response to it, and its level of influence is revealed when the state is forced to respond positively to its demands.

In essence, I suggest that when a state simultaneously takes restrictive and affirmative approaches to public opinion over a period of time, this indicates the existence of an active and influential counterpublic sphere. As mentioned, the premises of this dissertation are that a nationwide counterpublic sphere has not only emerged for the first time in China, but is thriving. If the above premises are valid, one would expect to find a pattern of the Chinese government repeatedly taking both restrictive and affirmative approaches to engage with public opinion in recent years – a pattern with no historical precedent.

TABLE 2-1: The pattern of the state's reaction to public opinion.

An authoritarian state's reaction to public opinion		An affirmative approach	
		Infrequent	Frequent
An restrictive approach	Infrequent	(1) No noticeable public sphere	(2) Non-oppositional public sphere
	Frequent	(3) Weak counterpublic sphere	(4) Strong counterpublic sphere

2.1.2. Data Analysis Strategy

Data Sources

News reports published by the *People's Daily* (*renmin ribao*) between 1946 and 2010 provide the primary source of data for my analysis. I selected the *People's Daily* to gauge the Chinese state's response to public opinion for several reasons. First, the *People's Daily* is the official mouthpiece of the CCP and a critical instrument for diffusing and implementing policies. As the organ of the highest decision-making body in the CCP, the *People's Daily* accurately reflects the attitude and viewpoints of the central leadership. Publicly expressing the attitude and perception of the central state is a vital way for the central state to respond to various issues in China, including the rise of public

opinion (Wu 1994). Furthermore, since the *People's Daily* is a national-level newspaper and the core of the state-dominant public sphere, its reporting tends to be very selective. Issues that are not considered nationally important are not be addressed in the *People's Daily*. Thus, the *People's Daily* is able to reflect the development of the public sphere in China at a national level.

The second data source for this analysis is eight in-depth interviews with experienced journalists. The purpose of these interviews was to develop a coding scheme to analyze the response of the Chinese state to public opinion. Therefore, I interviewed experienced journalists in newspapers who are knowledgeable about how the Chinese government engages with public opinion. Face-to-face interviews took place in Guangzhou and Beijing between 2009 and 2011.

Data Analysis

I applied content analysis to a data set generated from the *People's Daily*. This data set contains 3,912 articles with titles containing “public opinion (*yulun*, *yuqing* or *minyi*)” between 1946-2010. Using the occurrence of “public opinion” in titles instead of full texts as a standard to select articles helps to identify articles that explicitly proposed to deal with issues related to public opinion. My research assistant and I read through each article, coding data in relation to three themes.¹

¹ We independently coded each article. We deliberated and made a collective decision on the rare occasions when we had different opinions. I calculated Cohen's kappa (Cohen 1960) to assess the interrater reliability. The agreement score (0.87) suggests excellent agreement.

The first theme concerns the origin(s) of public opinion. Because articles in the *People's Daily* also engage with public opinion produced outside of China, it is necessary to identify where the public opinion being discussed “came from” in order to observe the evolution of the public sphere in China.

The second theme concerns how the Chinese central state responded to domestic public opinion. Based on previous literature, my interviews with experienced journalists, and my reading of data, I developed a coding scheme with four categories. This coding scheme includes three common approaches adopted by the Chinese government to engage with public opinion, and one non-applicable category. I describe the three approaches as follows:

- (1) *Public opinion as something that needs to be controlled*: The first approach is a restrictive one, treating public opinion as something that needs to be contained. For instance, an article published on December 7, 2009 stated that, because the Internet had become a place where non-mainstream and irrational opinion circulates, the government should recognize the enormous impact of online public opinion, while also actively controlling and shaping public opinion.
- (2) *Public opinion as something that needs to be understood*: The second one is an affirmative approach, regarding public opinion as something that needs to be understood or addressed. For instance, an article published on June 10, 2003 suggested that government officials should listen to and understand public opinion before making a decision.

(3) *Public opinion as a check of political power*: The third approach is also affirmative, seeing public opinion as a check of political power operating on behalf of citizens (Chan 2002; Chan 2007; Qian and Bachman 2010). For example, an article published on May 21, 2009 stated that the government should make sure that the public can use public opinion as a weapon to hold the government accountable.

The three approaches are not mutually exclusive. For each article, my research assistant and I identified one or multiple approaches that described the central state's response to public opinion. If there was no adequate information to make a decision, we coded that article as "not applicable."

The third theme in the content analysis concerns the actors regarded by the government as most relevant in producing public opinion. Identifying types of actors helps to investigate the role of institutions in the development of China's public sphere because different types of actors are associated with different types of institutional arrangements. For instance, if the Internet had not become a critical part of China's communication system, netizens would not have become a new and distinct category of actors. There are four categories in my coding scheme for type of actor(s): (1) journalists and news media, (2) ordinary citizens, (3) netizens, and (4) others or no mention. The rise of new types of actors over time may indicate a shift in the state-society relationship. As journalists and news media are closely monitored and controlled by the state through multiple mechanisms, their role in the production and circulation of public opinion may or may not be challenging to the state – in some cases, it may actually be interpreted as

indicating the state's success in shaping public opinion (Esarey 2007). In contrast, voices of citizens and netizens are more likely to reflect public opinion generated “from the bottom up,” so to speak.

2.1.3. Results of Analysis

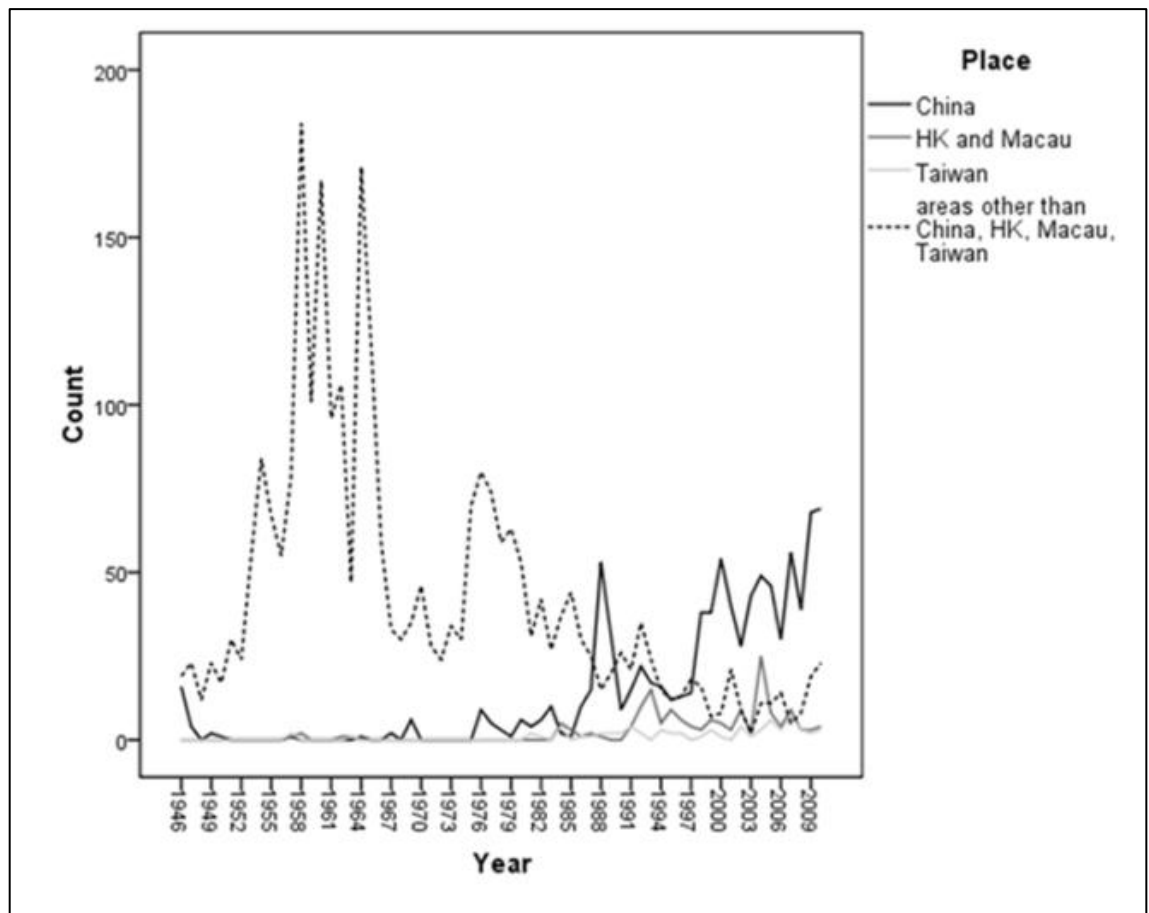


Figure 2-1: Place of public opinion (n=3912).

Figure 2-1 represents analysis of the origins of public opinion. Although the term “public opinion” occurred frequently before 1976 in the *People’s Daily*, analysis of place shows that public opinion in this period warranted mention most often when it was generated outside of China. Only on a few occasions was domestic public opinion reported in the *People’s Daily* prior to 1976 – and most of these occurred between 1946 and 1949, before the establishment of the PRC. Furthermore, the instances were ones in which the CCP criticized the Kuomintang government for suppressing public opinion and freedom of speech by shutting down presses. Following the end of the Cultural Revolution in 1976, reporting of domestic public opinion in the *People’s Daily* began to increase, while articles pertaining to foreign public opinion gradually declined. In 1988, one year before the 1989 Tiananmen incident, reports that alluded to domestic public opinion reached a peak. A decade of decline followed, and then there was another peak in 2000. This was one year before China’s accession to the World Trade Organization (WTO). Reports that mentioned domestic public opinion remained steady from 2000 onwards, then reached another peak in 2010. Regardless of the Party-state’s approach to dealing with domestic public opinion, this upward trend reveals the increasing extent to which the government felt the need to engage with public opinion – and with the emergent public sphere from which it was generated.

Next, I explore how the central government tackled domestic public opinion. The purpose here is to ascertain the presence of an active *counterpublic* sphere. In the section on operationalization, I listed four kinds of public sphere in Table 2-1, based on the nature of the state’s response to public opinion, and argued that the occurrence of the fourth

outcome indicates the presence of a strong counterpublic sphere. In this section, I analyze change in frequency of the three approaches in the coding scheme and then match the patterns of the Chinese state's response to public opinion to the four kinds of public sphere that were listed in Table 2-1.

The results (as presented in Figure 2-2) show that the Chinese state's methods of responding to public opinion changed drastically over time. Between 1949 and 1986, the government seldom acknowledged, let alone dealt with public opinion. This pattern indicates the absence of a noticeable public sphere. On the few occasions when public opinion was addressed, the government simply saw it as something that needed to be controlled. As articles in the *People's Daily* in this period demonstrate, the state considered public opinion as "counter-revolutionary" and saw a necessity to control it.

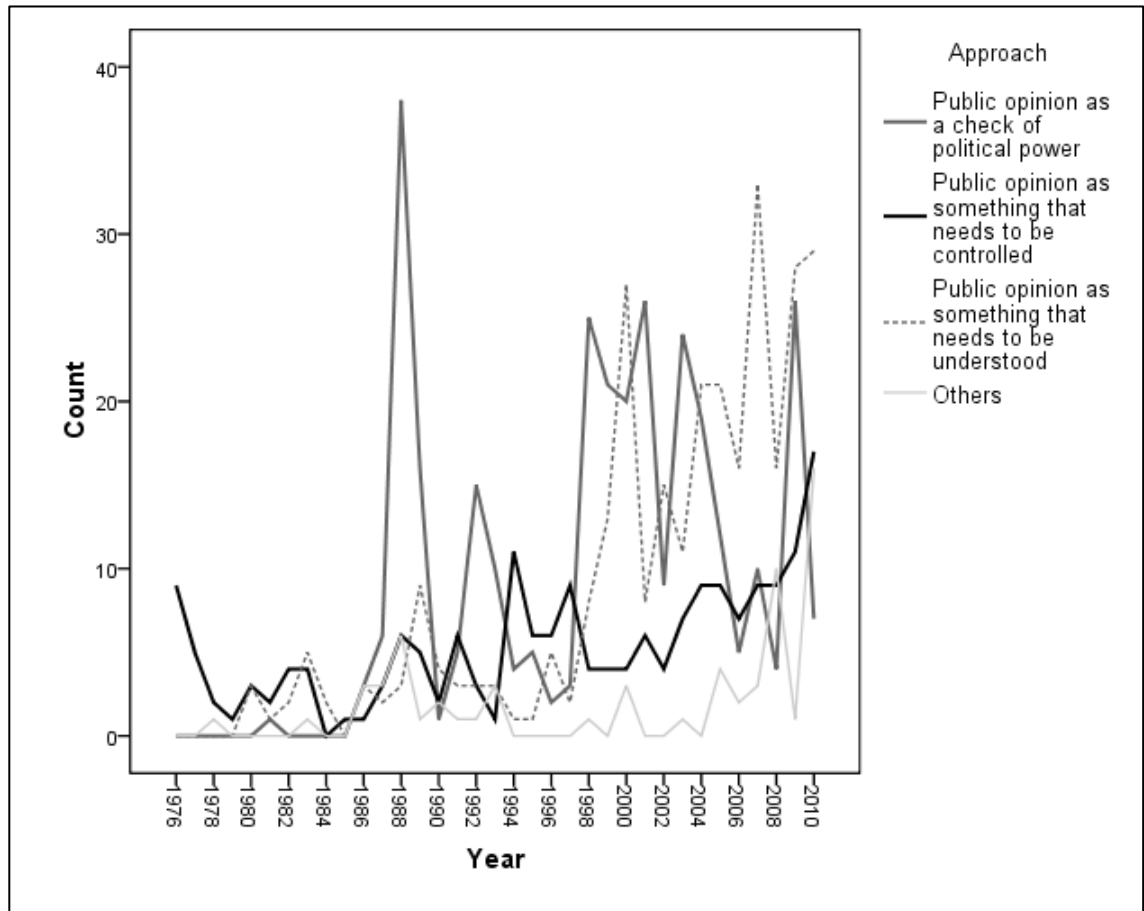


Figure 2-2: Approaches to public opinion (n=868).

But in 1987, a new trend emerged. The central state took a new, affirmative approach to public opinion, re-framing it as a check of political power operating on behalf of citizens. An in-depth reading of articles in the *People's Daily* reveals that, between 1987 and the 1989 Tiananmen incident, the CCP leaders not only acknowledged the diversity of public opinion, but also endorsed the right of citizens to formulate public opinion to ensure that the government operated for the benefit of citizens. Figure 2-2 shows that public opinion was seen by the state as a check of political power much more

frequently than as something that needed to be controlled during this period. This pattern reveals the existence of a non-oppositional public sphere. The central government's shift away from a simply restrictive approach to an affirmative approach that saw public opinion as a check of political power suggested the existence of an influential national public sphere that was not perceived by the central government as threatening or oppositional to its authoritarian rule.

The state's reaction to public opinion changed once again after the Tiananmen incident. In the following decade, particularly between 1993 and 1997, the state frequently saw public opinion as something that needed to be controlled, and infrequently regarded public opinion as a check of political power. This pattern indicates a public sphere considered antagonistic to the state, but generally weak. The influence of this sphere was limited insofar as the state did not need to compromise with and/or satisfy the demands made within that sphere.

The period from 1998 to 2004 is characterized by the state's frequent use of affirmative approaches and infrequent use of a restrictive approach. This pattern indicates a non-oppositional public sphere, similar to the pattern between 1987 and 1989. As Figure 2-2 demonstrates, the importance of the restrictive approach slightly decreased in this period relative to the period from 1994 to 1997, whereas the importance of the affirmative approach that saw public opinion as a check of political power increased. This time, the central state's recognition of public opinion as a check of political power lasted longer compared with the situation in the late 1980s. At the same time, as Figure 2-2 shows, the

central state also recognized public opinion as something that needed to be understood or addressed. Even though this positive approach is not as progressive as the approach that sees public opinion as a check of political power, the state at least demonstrated its willingness to take public opinion into consideration. Although it still sometimes took a restrictive approach to domestic public opinion, the central state gave a much larger space to public opinion and did not see public opinion as threatening to its rule.

As Figure 2-2 shows, a new pattern indicating a strong counterpublic sphere emerged in the post-2005 period, when the central state took an increasingly restrictive approach to public opinion. The frequency of this negative approach reached its highest level in the PRC's history in 2010. The central state also attempted to downplay the affirmative approach that saw public opinion as a check of political power. The decline of this affirmative approach and the rise of the restrictive approach were consistent from the perspective of the central state, if its aim was to suppress public opinion. Nevertheless, although the central state continued to heavily rely on the restrictive approach, it began to treat public opinion as a check of political power more frequently from 2008 onwards. At the same time, the state continued to see public opinion as something that needed to be understood. The importance of the two affirmative approaches also reached a peak in the period between 2005 and 2010.

This period is the *only* time in the PRC's history when restrictive and affirmative approaches both increased *simultaneously* and drastically. In the previous section, I proposed that when an authoritarian state frequently adopts both restrictive and

affirmative responses to public opinion, this serves as a valid indication of the existence of an influential nationwide counterpublic sphere. The above evidence shows that between 2005 and 2010, the state attempted – often in a somewhat contradictory manner – both to control public opinion, but also to acknowledge it as an independent and influential force to be reckoned with. In comparison, during the previous periods of 1987-1989 and 1998-2004, the state approached public opinion positively, but did *not* simultaneously see it as a serious threat to CCP rule. The state was able to adopt a more positive response during those earlier periods precisely because it saw such a stance as of little consequence; this contrasts to today, when its “positivity” vis-à-vis public opinion appears to be much more coerced or begrudging – to the extent that it acknowledges public opinion now, it does so because it has to. This new pattern provides powerful evidence of something entirely new – a flourishing nationwide counterpublic sphere. I summarize my findings of the Chinese state’s response to public opinion in Table 2-2.

TABLE 2-2: The State's Response to Public opinion, 1949-2010.

The Chinese state's reaction to public opinion		An affirmative approach	
		Infrequent	Frequent
A restrictive approach	Infrequent	(1) No noticeable public sphere 1946-1986 1990-1991	(2) Non-oppositional public sphere 1987-1989 1992 1998-2004
	Frequent	(3) Weak counterpublic sphere 1993-1997	(4) Strong public sphere 2005-2010

Figure 2-3 presents how the central state perceived the relevance of actors in producing public opinion over time. The results show the central importance of journalists and news media before 2005. Whether the state took an affirmative approach or a restrictive approach to public opinion, the state perceived news media and journalists as key players generating public opinion. When the state treated public opinion as a check of political power, news media and journalists were accorded power to collect public opinion from citizens and speak for the people. When the state took a restrictive approach,

the state regarded news media and journalists as instruments to inhibit undesirable public opinion and redirect it.

A new trend, however, has unfolded since 2005, as netizens have emerged as critical actors producing public opinion. Indeed, since 2009, the government has perceived netizens' role in forming public opinion as even more significant than that of journalists and news media. The importance attributed to netizens even outweighs that given to the general category of "citizens" now. Juxtaposing Figures 2-2 and 2-3, it can be seen that this shift in the state's perception of netizens as important actors generating public opinion coincides with the period when both restrictive and affirmative approaches to public opinion climbed. Moreover, 2009 was the year that the central state began to view netizens as even more important than news media and journalists, and when it shifted to reconsider public opinion as a check of political power. This concurrence strongly suggests the rise of grassroots public opinion generated by netizens, and the recognition by the state that this public opinion was no longer something it could completely control.

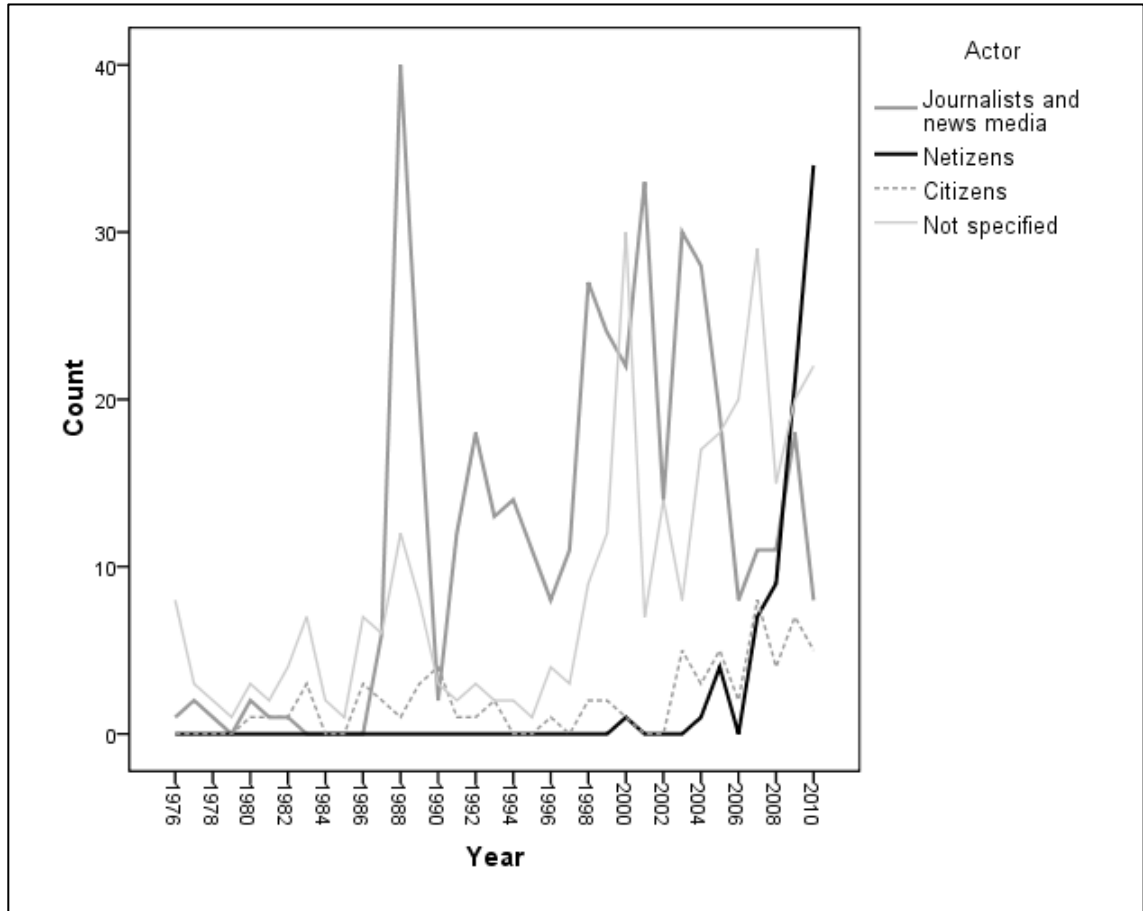


Figure 2-3: The most relevant actors to public opinion (n=868).

2.2. SITUATING THE DEVELOPMENT OF THE PUBLIC SPHERE IN HISTORICAL CONTEXT

Having established the development of public opinion in China over time, I now situate the results in China's broader historical context in order to facilitate understanding of how the development of public opinion is related to the macro-political environment and institutional processes. As I stated in Chapter 1, both macro-level conditions and

meso-level institutional processes are indispensable to account for the rise of the counterpublic sphere in China.

Previous literature suggests that macro-political conditions – the broad political context in which political actors make their decisions – can impact institution-building, the formation of public opinion, and the development of the public sphere (Anderson and Paskeviciute 2005; Eley 1992:304-305). Macro-political conditions are influenced by domestic and international politics. Even within an authoritarian country, the macro-political environment can vary. A more liberal political condition facilitates the growth of public opinion. Citizens may be empowered by liberal ideologies not previously or widely available, and feel more comfortable to discuss political issues (Anderson and Paskeviciute 2005; Eley 1992:304-5). Likewise, government officials in such a relatively liberal climate are more likely to see public opinion as inputs to address social problems, rather than political threats. Habermas’s analysis of the rise of the public sphere in France reveals that it was only after the French Revolution, when the political climate drastically shifted, that the public sphere became influential (Habermas 1989: 67). Conversely, a conservative political condition discourages the production and dissemination of public opinion in general, lowers the likelihood that authoritarian rulers will take an affirmative approach to public opinion, but increases the chance that they will move to restrict it.

Nonetheless, considering macro-political conditions alone cannot fully explain a paradoxical pattern – specifically, why the state frequently takes both restrictive and

affirmative approaches to handle public opinion within the same period of time. This is where the effects of institutions become salient. As theorized in Chapter 1, the state's attempt to solve governance problems through institution-building may trigger unexpected changes. Of particular relevance to this study, the building of institutions in the media and legal fields is critical to the development of the public sphere because these fields provide the fundamental infrastructure of the public sphere. Legal institutions provide important symbolic resources and a framework for social critique, while actors in the media field serve as important mediators in formulating and disseminating public opinion (Alexander 2006; Cohen and Arato 1992; Felstiner, Abel, and Sarat 1980; Somers 1993; Woo and Gallagher 2011). If institution-building does, indeed, facilitate the development of the public sphere, then one should see the emergence of such a sphere even when the macro-political conditions are not favorable. I argue that this is precisely what happened.

Next, I turn to the fluctuation of China's macro-political conditions and the institutional processes in the media and legal field between 1949 and 2010. To investigate shifts in macro-political conditions over time, I referred to the Freedom House Civil Liberties Index (1972-2010), official statistics regarding national security and social order crime in the *Law Yearbooks of China* (1996-2009), and important policies and decisions of the CCP. To study institutional development, I examined existing literature that chronicles how the Chinese state built media and legal institutions (Cai and Wang 2008; Peng 2005; Tai 2006; Wu and Liu 2009; Yang 2009; Zhao 1998; 2008). In addition, I referred to important reports prepared by top CCP leaders, such as their reports to the

Party Congress; these reports summarize institutional development and have a huge impact on subsequent institution-building.

In order to explore the relationship between macro-political conditions and institutional development in the media and legal fields, on the one hand, and the development of China's public sphere, on the other hand, I parse the PRC's history into the following five periods: (1) 1949-1976, (2) 1977-1989, (3) 1989-1997, (4) 1998-2004, and (5) 2005 -2010. This periodization is based on shifts in the development of public opinion, as discussed in the first part of the chapter. I examine the macro-political conditions and institutional development in the media and legal fields only insofar as they relate to the development of the public sphere in China, so my discussion is necessarily schematic.

2.2.1. Macro-Political Conditions

1949-1976

The political climate from 1949 to 1976 was conservative due to both international and domestic conditions. Internationally, the PRC was not recognized by the United Nations as the legitimate representative of China until 1971.² Domestically, the Great Leap Forward movement led to the Great Chinese Famine between 1958 and 1961, which, combined, are considered by some historians to constitute one of the nation's most devastating catastrophes given the violent nature of the movement and the millions of

² The United Nations General Assembly Resolution 2758 of 25 October 1971.

deaths involved (Dikötter 2010). Dissonance within the CCP leadership in the Great Leap Forward movement ultimately triggered the Cultural Revolution (1966-1976), which led to the unraveling of established institutions.

1977-1989

The political climate shifted in a liberal direction after the end of the Cultural Revolution and remained so until the 1989 Tiananmen incident. After that, a more liberal political climate did not reappear again until 1998. The Third Plenum of the Eleventh Central Committee in 1978 shifted the CCP's focus from class struggle to economic reform. Facing corruption, social problems, and periodic economic downturns that accompanied the decade-long economic reform, CCP reformist ruling elites saw the necessity of political reform and formulated a detailed and progressive proposal in the Thirteenth Party Congress in 1987. This unprecedented political reform program promoted separation of the Party from the state, decentralization of political power, reform of government organizations and cadre system, enhancement of institutions to build socialist democracy, improvement of legal institutions, and, most relevant to this dissertation, the establishment of institutions to facilitate societal negotiation and dialogue.

1990-1997 and 1998-2004

This bold political reform program was withdrawn from the political agenda in the aftermath of the Tiananmen crisis, however, as such reform was now considered

detrimental to the CCP's monopoly of power. The Tiananmen incident, the collapse of the Communist regimes in Eastern Europe, and the dissolution of the Soviet Union all reminded party leaders of the fatal consequences of losing firm political control (Shambaugh 2008:76-77).³ Learning from these lessons, the party leadership reached a consensus that further advancement of China's economic development did not require commensurate political reform. With the deepening of economic reform and China's remarkable economic growth, the political climate became relatively less conservative by 1998, but fundamental political reform has yet to be placed on the CCP agenda again since 1989.

2005-2010

There was a significant shift in macro-political conditions after 2005. The policy of the Hu Jintao-Wen Jiabao administration became clear after the Fourth Plenum of the 16th Central Committee in September 2004. To address the widespread social tension and unrest that accompanied economic reform, the Hu-Wen leadership proposed an agenda of building a harmonious society that sought balance between economic development and social stability. On the one hand, the central leadership adopted economic and social policies that accentuated the sustainability of economic development and equity, instead of simply GDP growth. Similarly, particular attention was accorded to social groups who were not benefiting from the economic reform. At the same time, however, instead of

³ In the aftermath of the 1989 Tiananmen incident, the General Secretary Jiang Zemin said that the political transformation in Eastern Europe reminded Chinese leaders that stability is the foremost agenda. See *China Journalism Yearbook*, 1990, pp.2-3.

initiating political reform, the Hu-Wen leadership emphasized the critical importance of social order and stability,⁴ tightening political control over state and society in order to address escalating social conflicts (Cai 2008; Saich 2006).

In addition to domestic social tension, international political conditions, particularly the so-called “color revolutions” in Central Asia during the early 2000s, also contributed to Hu-Wen’s political policies and their implementation (Carothers 2006; Saich 2006; Shambaugh 2008:88).⁵ Participants in the “color revolutions” protested against governments that were considered corrupt or authoritarian. Some of these protests, such as those in Georgia’s “Rose Revolution” in 2003, led to the resignation of ruling elites. The central state connected these revolutions demanding democratization in Eastern European countries and considered them contagious. For the Chinese government, these international incidents and political influence from the West were seen as threats to China’s domestic stability. The state further regarded foreign media as important actors who contributed to such revolutionary movements by spreading liberal ideologies. The central state believed that the most effective way to prevent China from being influenced by these precarious international developments was to increase political control.⁶ This logic is consistent with the way in which the CCP leaders tackled the political crisis in the aftermath of the Tiananmen incident.

⁴ *People’s Daily*, 2 February 2005.

⁵ “Color revolutions” refer to several movements that caused regime change in several post-Soviet countries during the early 2000s. In these movements, protesters protest against governments that were perceived as corrupt or authoritarian.

⁶ *People’s Daily*, 3 April 2005 and 21 April 2005.

To demonstrate that the Chinese state did implement measures to strengthen political control, I collected available official national statistics on national security crimes and social order crimes. The Chinese government, similar to many authoritarian states, often uses criminal laws to prosecute individuals who are considered threats to the authoritarian rule and social stability. The statistics shown in Figures 2-4 and 2-5 clearly show that the number of people who were accused of security and social order crimes rose drastically in the post-2005 period. The above evidence, as a whole, indicates the deterioration of the political climate and the escalation of state political control since 2005.

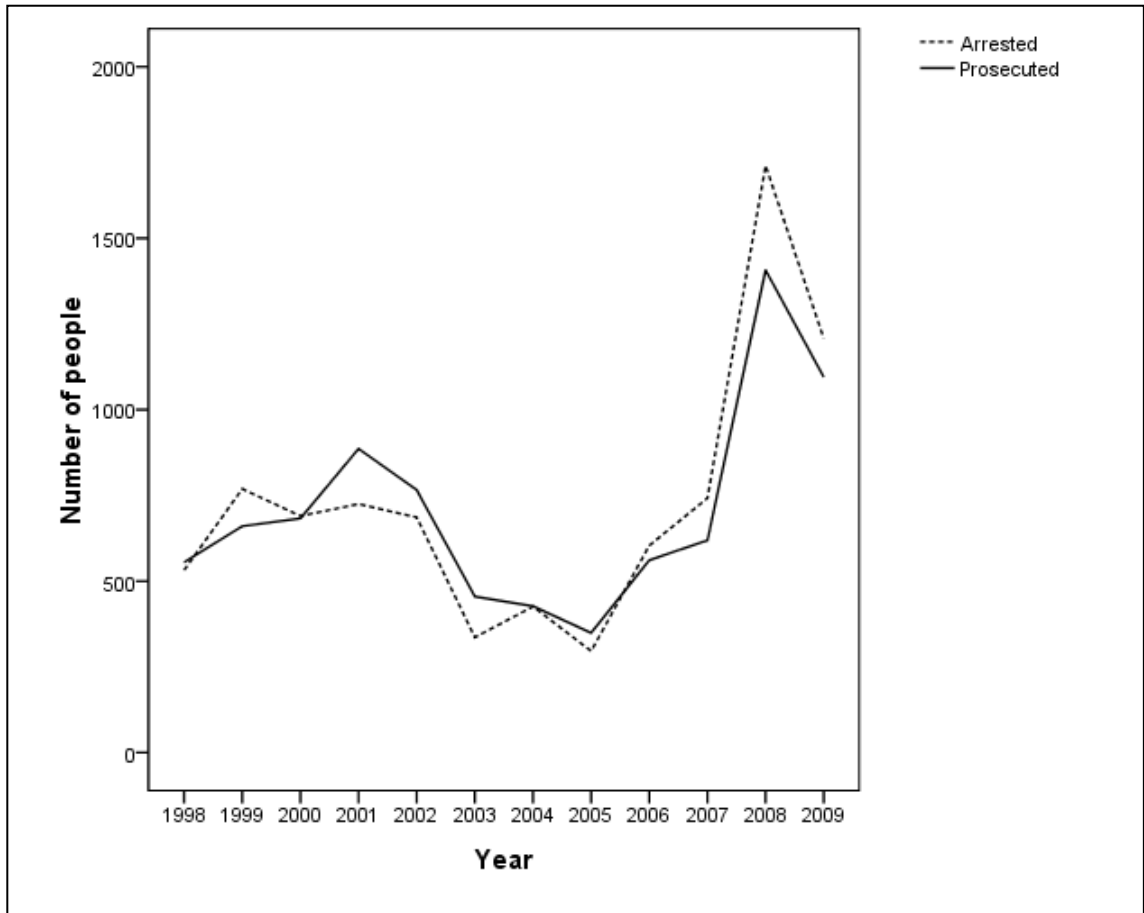


Figure 2-4: Individuals accused of national security crimes.
Source: *Law Yearbooks of China* (1996-2010).

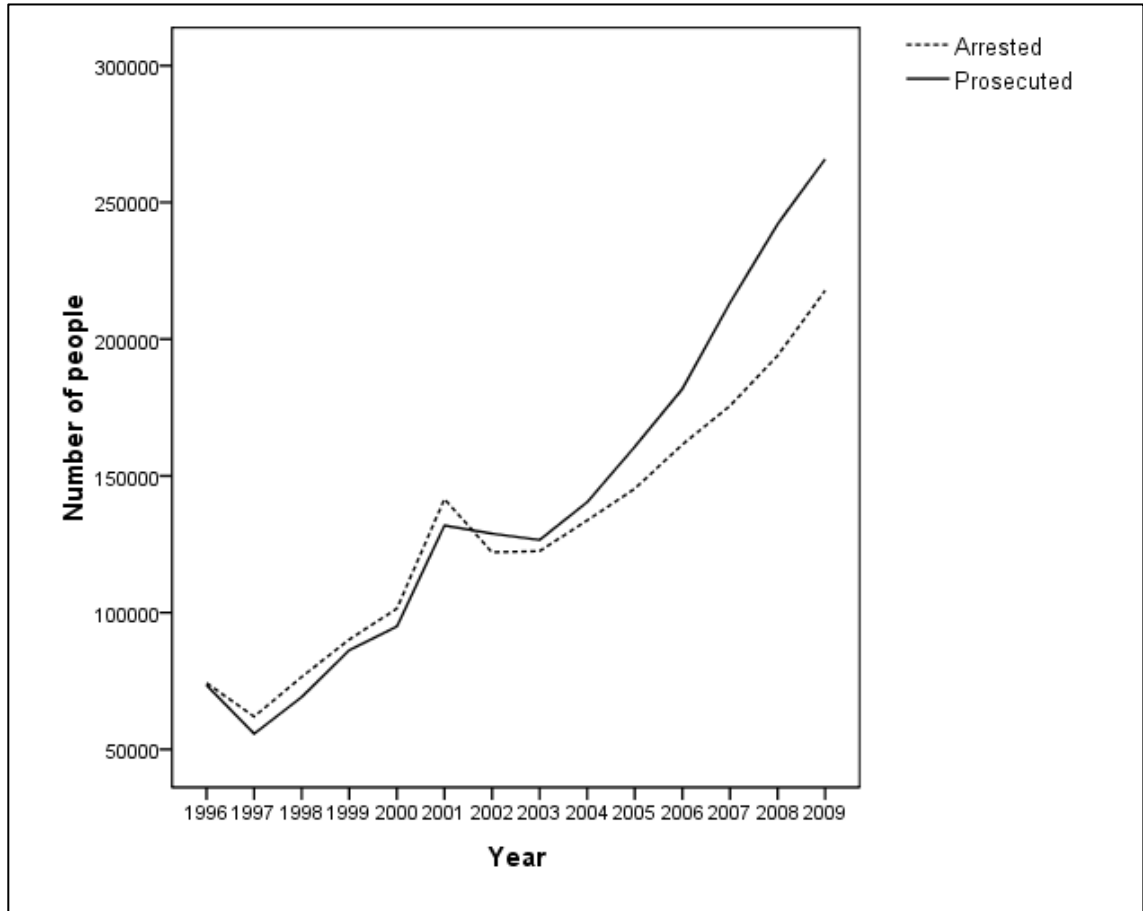


Figure 2-5: Individuals accused of social order crime.
Source: *Law Yearbooks of China* (1996-2010).

2.2.2. Institution-Building in the Media and Legal Fields

Although the media and law have distinct development trajectories, institution-building in both fields was part of the state's response to the same crisis in the aftermath of the Cultural Revolution. In addition, since the central state deliberately connected the two institutions, locating their development on the same timeline helps us to understand how and why the Chinese state made this connection.

1949-1976

The media and legal fields in China developed little and even degenerated significantly between 1949 and 1976. Many newspapers ceased publication during the Cultural Revolution. Given that only four national and thirty-eight local newspapers operated in the entire country in 1968, it is understandable why scholars have called the Cultural Revolution the “the dark age of Chinese journalism” (Zhao 1998:32).⁷ The development of the legal field was no better. The National People’s Congress did not pass any laws except for the 1975 constitution during the two decades from the 1957 anti-rightist movement to the end of the Cultural Revolution. Mass mobilization and class struggle prevailed over legal principle (Wang 2010:5; Wu and Liu 2009:16). China existed in an essentially “lawless” state (Wang 2010:1).

1977-1989

In 1978, declaring the extreme concentration of power or “rule of man” to have been a major cause of the Cultural Revolution, CCP leaders announced China’s return to the rule of law. Moreover, reacting to the crisis and backwardness in nearly every aspect of life, the CCP leadership declared the goal of achieving modernization under socialism through economic reform and an “open door” policy. This policy shift unleashed China’s transition to a market economy. The building of the market economy required the

⁷ *Chinese Journalism Yearbook*, 1982.

development of a compatible legal infrastructure and eventually incorporated the agenda of media marketization (Zhao 1998:53).

Between 1978 and 1989, institution-building in the media and legal fields was at a preliminary stage. The number of newspapers climbed from 42 to 382 between 1968 and 1980.⁸ The freedom of the press was the main focus of those in the media field, but progress remained limited to theoretical discussion and institution design, such as the drafting of the Media Law – the most fundamental law that provides institutional protection for media and journalists. Actual institutionalization of press freedom was interrupted by the Tiananmen incident (Zhao 1998:45-47). There were, however, several important breakthroughs that laid a critical institutional foundation for the development of public opinion in the future. In his report at the Thirteenth Party Congress in 1987, Zhao Ziyang, then CCP General Secretary, presented his proposal to establish an institution for societal negotiation and dialogue as part of the political reform program. Three elements in the proposal were of critical importance. First, the state should inform people of important events. Second, important issues should be discussed by people. Negotiation and dialogue should be conducted among people, and between people and the government at national, local, and grassroots levels. Third, the media should play a critical role in mediating societal negotiation and dialogue. In addition, media should support “supervision by public opinion (*yulun jiandu*),” by denouncing the wrongdoing of bureaucrats. In short, Zhao was proposing that the media should facilitate the formation of

⁸ *Chinese Journalism Yearbook*, 1982.

public opinion and its ability to serve as a check to political power. Importantly, this is the very first time “supervision by public opinion” was incorporated into an important document by the central state (Xu 2011).

Legal institutions, including legislation, prosecutors’ offices, and courts, were rebuilt between 1978 and 1989. The landmark in this period is the adoption of the 1982 Constitution, which legally ended the Cultural Revolution and confirmed the economic reform and open-door policy (Cai 2010:51). The 1982 Constitution served as the foundational infrastructure that aided China’s transition to a market economy. It is noteworthy that the development in the legal field was not independent from that in the media field. The central government clearly stressed the supportive relationship between the two fields by connecting the concepts of “supervision by public opinion (*yulun jiandu*)” and “supervision in accordance with law (*falu jiandu*),” both of which appeared in Zhao Ziyang’s Thirteenth Party Congress report. According to Hu Jiwei, former editor-in-chief of the *People’s Daily*, the crux lies in Article 41 of the 1982 constitution, which states citizen have the “right of supervision” or “the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary.” In other words, citizens have the right to watch whether the state follows the law. Importantly, CCP top leaders saw media a critical tool for citizens to exercise their “right of supervision” for two reasons. First, media helps to disseminate legal knowledge and raise legal consciousness. In the absence of legal knowledge and consciousness, citizens would not know their rights or whether the government was violating any laws. Second, media is essential for formulating and

disseminating public opinion that exposes the wrongdoing of the government. This exposure helps to trigger legal procedures to correct problems. Essentially, CCP leaders thought media would help to deepen the development of the legal field. At the same time, the central state also emphasized the need for legislation to ensure that relevant actors, especially media and journalists, could safely and properly play their roles in conducting “supervision by public opinion” and enhancing the development of the legal field.⁹

1990-1997

The Tiananmen incident did not halt the state-led economic reform and ongoing institution-building, though it did contribute to CCP leaders’ insistence on the Party’s monopolistic control of political power. As a result, critical institutional design that enables autonomy in both the media and legal fields has been lacking. After Deng Xiaoping’s influential southern tour in 1992, the economic reform agenda was reconfirmed. The Fourteenth Party Congress in 1992 further recognized the concept of a socialist market economy and stated its goal of focusing on the development of the country’s service industry. Later, the State Planning Commission officially categorized the news industry as part of the service industry. Media marketization unfolded rapidly after 1992. The demand for media services rose along with the increase in the purchasing power of urban dwellers. This led to a tremendous expansion in the number of newspapers (Zhao 1998:47-53; 2000b). With the goal of maximizing revenue, it became

⁹ *People’s Daily*, 19 October 1987, 19 November 1987, 2 January 1988, 28 January 1988, 28 July 1988, 28 September 1988, 19 December 1988, 31 January 1989, 25 February 1989, and 29 March 1989.

necessary for media to satisfy consumers' preferences through reporting news that was interesting or critical to consumers, such as news related to corruption as well as citizens' private interests and rights. Yet, media still operated within the state apparatus. Journalists needed to follow the Party line and the state greatly updated its control mechanisms over the press and journalists (Esarey 2005). What should be noted is that, although the central state frequently emphasized the need to shape public opinion after the Tiananmen incident, the concept of "supervision by public opinion," surprisingly, remained in Jiang Zemin's reports at the Fourteen, Fifteen and Sixteen Party Congress in 1992, 1997 and 2002, respectively.

The Tiananmen incident did not interrupt the building of China's legal institutions. The central state completed the task of building a basic legal framework in the mid-1990s (Wang 2010:44). The completion of this infrastructure was critical for China's subsequent accession to the WTO in 2001. In the 1989 to 1997 period, many procedural and substantive laws of direct relevance for ordinary citizens were enacted as well, such as Administrative Procedure Law, Civil Procedure Law, Criminal Procedure Law, Law on Protection of Consumer Rights and Interests, Trade Union Law, Labor law, and Organic Law of the Villagers Committees. The media's reporting of these laws and of cases in which citizens fought for their rights and watched over the actions of bureaucrats turned the abstract concept of law into something more relevant to ordinary people's lives, as well as to their concrete interests and rights. In addition, the principle of "ruling the country in accordance with the law (*yifazhiguo*)" was endorsed by the Fifteenth Party Congress in 1997 and added to the constitution in 1999.

Of particular importance to the development of the public sphere is that, despite the Tiananmen incident, top leaders in the legal field, for instance, the Vice Procurator-General of Supreme People's Procuratorate Xiao Yang, still emphasized the complementary relationship between legal and media institutions and between "supervision by public opinion" and "supervision in accordance with the law."¹⁰ Jiang Zemin's speech at the Fifteenth Party Congress in 1997 also mentioned the combination of the two types of supervision.

1998-2004

Since 1998, media and legal institutions have continued to develop. Three developments are critically important. First, despite the state's continuing political control, institutional resources that can be mobilized by journalists and citizens to generate public opinion have been increasing. For instance, although a national-level journalism law has not been enacted, the concept of "supervision by public opinion" was incorporated into local laws in many provinces (Wang 2009).

The second, arguably even more critical, development occurred in the early 2000s, when the Internet became a core component of China's media field. Although the Chinese state connected China to the Internet as early as 1994 and endeavored to enhance the Internet infrastructure, Internet media did not attain full development in China until the early 2000s, due to the lack of feasible business models and the bursting of the so-called "dot-com bubble" (Peng 2005:94). But since 2003, businesses that operate Internet news,

¹⁰ *People's Daily*, 7 December 1992.

online communities, social media, and blogs have prospered and received tremendous revenues from advertisement. To be sure, regulation and control of the Internet has remained stringent at the same time.

The third critical development is China's accession to the WTO. Two decades following China's economic reform, China completed its WTO negotiations and joined the WTO in 2001. As the WTO framework requires a high-level of institutionalization, especially in the legal field, China's accession reflects the maturity of China's institutional building.

2.2.3. Macro-Political Condition, Institution-Building and the (Counter)Public Sphere

Macro-political conditions are closely associated with the development of the public sphere in China before 2005. The macro-political climate was harsh in the early state-building period between 1949 and 1976, due to the PRC's lack of international legitimacy and intense domestic conflicts. As expected, domestic public opinion was nearly absent in the *People's Daily* during this time. What was reported was foreign public opinion that either supported the PRC and its alliances, or criticized "Western imperialism" and the Kuomintang before the PRC's sovereignty was recognized by the United Nations. In addition, as Figure 2-1 showed above, the very few occasions (1957-1958, 1966-1970, 1976) when domestic public opinion *was* reported all occurred in the context of mass mobilization – the 1957 anti-rightists movement and the Cultural Revolution. On these occasions, CCP top leaders used the *People's Daily* to combat

“counter-revolutionary public opinion,” seeing public opinion as something that needed to be controlled.

The association between macro-political conditions and public opinion continued after the end of Cultural Revolution until 2004. Reports that contained “public opinion” in the title increased markedly in two periods when political climate was relatively liberal (1977-1989 and 1998-2004). In addition, public opinion was more often seen by the central state as a check of political power and less frequently as something that needed to be controlled during these periods. In contrast, the period between 1990 and 1997, the decade in the aftermath of the Tiananmen incident, witnessed the decline of the public sphere in general and of the state’s affirmative response to public opinion, as well as the rise of the state’s restrictive response. The only exception is the year 1992, when Deng Xiaoping declared the CCP’s stance on economic reform in his famous southern tour. His statement was read by Party elitists and journalists as a signal for continuing marketization.

In addition to macro-political conditions, institution-building also contributed to the growth of public opinion in the period from 1977 to 2004. In the decade after the Tiananmen incident, although the political climate was conservative, the number of reports that addressed public opinion in general or that saw public opinion as a check of political power is still higher than that in the pre-reform era and the first half of the 1980s. This is because the reformist leaders, on important occasions and in key texts, emphasized the media’s role in mediating public opinion to check political power, while also

grounding their arguments in accordance with the 1982 Constitution. Reformist leaders' arguments resonated with many journalists. Despite the Tiananmen crackdown and the purge of reformists afterward, the reformists' institutional creation continued to be recognized and mobilized. Comparing the two relatively liberal periods – 1977-1987 and 1998-2004, reveals that the state saw public opinion as not only a check of political power, but also as something that needed to be understood and addressed in the latter period, in which institutions were more developed.

In the 2005 to 2010 period, however, macro-political conditions were not closely associated with the development of the public sphere. One would expect that a restrictive political climate would decrease the production and dissemination of public opinion in general and the likelihood that authoritarian rulers would take an affirmative approach to public opinion, but increase the chance that rulers would seek to control public opinion. Contrary to this expectation, public opinion has continued to grow regardless of the political climate. The state has drastically increased its efforts to control public opinion, but paradoxically – though perhaps out of necessity – it has also frequently taken an affirmative approach when responding to public opinion, revealing the shift towards seeing such opinion as a check of political power and something that needs to be understood.

The insufficiency of macro-political conditions in accounting for the rise of the counterpublic opinion in the post-2005 period points to the necessity to investigate whether and how institutional processes in the media and legal fields contributed to the

rise of the counterpublic sphere. At first glance, the adoption and diffusion of the Internet seems to be the cause that led to the counterpublic sphere. Figure 2-3 does show that with the development of the Internet, netizens began to be seen by the Chinese government as the most relevant actors in producing public opinion in 2000, and their perceived importance has only increased since 2005. Concurrently, the importance of news media and journalists as mediators in producing public opinion has decreased. It is clear that the Internet has made it difficult for the government to rely solely on a restrictive approach to address public opinion. Nonetheless, as I will demonstrate in detail in the following chapters, the Internet did not lead in a simplistic way to the counterpublic sphere. The recently emergent counterpublic sphere is actually rooted in pre-existing institution-building and non-oppositional public spheres before 2005. Although the macro-political conditions have fluctuated over time, the Chinese state's institution-building in the media and legal field has impeded its own efforts to dominate the public sphere. Institution-building processes have created the opportunity for critical political culture and elite networks comprised of media and legal professionals to grow and expand. The Internet further spread the culture and networks to ordinary citizens. Even though the role of news media and journalists in mediating the formation of public opinion seems to have decreased, they have exerted influence in less noticeable ways. In short, the current rise of the counterpublic sphere in China is the result of a series of interconnected institutional, cultural, and social processes over time that were accelerated and amplified by the Internet.

2.3. CONCLUSION

In this chapter, I have operationalized and empirically examined the abstract concept of counterpublic sphere. I have proposed that the pattern of the state's response to public opinion serves as a valid indication of a flourishing national counterpublic sphere. Drawing upon content analysis of the *People's Daily* between 1946 and 2010, I have established the existence of a flourishing nationwide counterpublic sphere and the novelty of this phenomenon in the PRC's history. This is one of the very first efforts that systematically traces and analyzes the rise of public opinion and the counterpublic sphere in the PRC. I have also situated the development of public opinion in China in relation to macro-political conditions and institutional processes in the media and legal fields. I have shown that, although shifts in macro-political political conditions explain the development of China's public sphere between 1949 and 2004, it cannot explain the rise of China's counterpublic sphere since 2005, when the Chinese state started to tighten political control. The insufficiency of macro-political conditions in explaining the takeoff of China's counterpublic sphere reveals the need to analyze the relationship between institutional processes and the development of public opinion. In the following three empirical chapters, I will detail how the state's institution building in the legal and media fields contributed to the subsequent development of China's counterpublic sphere.

Chapter 3

Disseminating Law to the Populace: From Lawlessness to the Emergence of A Nationwide Symbolic Structure Based On Laws and Rights

In this chapter, I aim to explain the origin and diffusion of the symbolic structure of China's public sphere. Explaining the development of a public sphere requires a specification of its medium, understood as the cultural grid of the public sphere, as well as an account of where this medium originates from and how this medium is diffused to and accepted by actors in the public sphere. This is because the cultural medium plays a critical role in constituting publics, as well as structuring communication, conducting persuasion and exerting political influence within, across, and beyond publics (Emirbayer and Sheller 1999). The limited empirical research that has addressed this question in the West has shown that this medium, to a large extent, grows from outside the state. Indeed, the state has tended to play a marginal role in the process (Alexander 2006; Habermas 1989:56). This seems to suggest that the absence of an interventionist state is a critical condition for the medium of the public sphere to develop.

Contrary to this view, I will argue that we need to investigate the role of the state in building institutions in order to understand how the symbolic structure of the public and counterpublic spheres was established in China. In order to make this argument, I first review literature that explains the medium of the public sphere, pointing out its

inadequacy in explaining the Chinese case. Then, I suggest that the state can contribute to the development of a shared symbolic structure through building legal institutions. Next, I review my data analysis strategy. After that, I present the results of my empirical analysis, showing why and how the Chinese established a symbolic structure based on laws and rights that penetrates society. Finally, I summarize the research findings and discuss their contribution to the existing literature.

3.1. THEORIZING THE CULTURAL MEDIUM OF THE PUBLIC SPHERE

In this section, I review the literature that explains the cultural medium of the public sphere, arguing that the marginal role of the state outlined in previous literature does not fit the Chinese case. Next, I contend that although previous studies suggest the critical role that law could play as a penetrative and integrative medium in the public sphere, they are still inadequate to explain the Chinese case given their failure to also take media into consideration. Therefore, I suggest paying particular attention to how the Chinese state used media to develop the legal field, thereby shaping the cultural medium of the public (counterpublic) sphere.

3.1.1. Relationships between Market, Society, State, and the Medium of the Public Sphere

In Habermas's historical study, rational-critical argument is the medium of the classic European public sphere. Habermas argues that the conjugal family, which emerged in the transition from feudalism to capitalist economy, produced rational agents who believed in their own independence, credited the autonomy of market, and came to

value the non-instrumental aspects of life. These private people were simultaneously property owners in the market and common human beings in the public sphere. Owing to cultivation in the conjugal family, private people acquired rationality and capability to conduct rational and critical argument in public forums (Habermas 1989:46-47). In his analysis, Habermas does allude to the state in the development of the European bourgeois public sphere. The state created private law to ensure that private persons could control their property and freely engage in transaction. Private law thus guaranteed that private people could pursue their affairs free from impositions of the state (Habermas 1989:74-75). In essence, with the emergence of the market and the withdrawal of the state, the conjugal family was able to establish and diffuse the medium of the public sphere.

Many scholars of the public sphere consider Habermas's treatment inadequately sociological. They are unsatisfied with Habermas's reliance on the rise of rationality to explain the emergence of the public sphere and his later use of an idealized theory of communication to generalize the existence of rationality. These scholars advocate a cultural approach grounded in the new cultural sociology and cultural history to study the milieu of the public sphere. They contend that recognizing the analytic autonomy of culture in the study of the public sphere is important because culture is not only the context of action, but also exerts independent causal force in shaping action (1992b; 1993; Alexander 1989; Calhoun 1992b:34; Emirbayer and Sheller 1999; Somers 1995; 2008:193).

One of the most prominent examples of this approach is Jeffery Alexander's study of the "civil sphere" in the United States. Alexander (2006:53-57) argues that a set of binary codes that classify motives, relationships, and institutions into "civic" and "anti-civil"

categories are the bedrock of this sphere, which sustains solidarity while also justifying the exclusion of those who are classified as “uncivilized.” According to Alexander (2006:56), this culture grid is the historical sediment of “a long and diverse series of nitty-gritty movements in social, intellectual and religious life – of classical Republican ideas, of Judaism, Christianity, and Protestantism, of Enlightenment and liberal thought, of the revolutionary, socialist, and common law tradition.” By mobilizing these shared binary codes, American people formulate concrete discourse of liberty and repression. This discourse exerts political influence through the mediation of institutions such as mass media, voting, and law. In comparison with Habermas’s study of Europe, the role of the market is less central in Alexander’s study, but we again see the presence of a robust civil society and the absence of an intrusive state.

Since the structural conditions examined by Habermas and Alexander have not existed in China, their analysis of the medium or cultural grid of the public sphere may not be entirely generalizable to the Chinese case. Similar to countries in Europe, China experienced a transition to a market economy. In addition, the Chinese state made many private laws, albeit post-1978, to enable and expedite this transition. The crucial difference, however, is that the Chinese state did not take a non-interventionist approach. In comparison with the American case as described by Alexander, the Chinese state has not left much space for intellectual and religious life. Indeed, intellectuals have generally been repressed or cajoled by the state, and are considered a treacherous group by the state for their deep involvement in previous unrests (Unger 2006). Religious groups have always been targets of suppression (Potter 2003; Tong 2002). As a result, there was inadequate chance for the formation of a nationwide cultural structure from the bottom-up.

Nonetheless, this does not preclude the possibility that a cultural grid could be imposed unilaterally from the top by the state, and then become a medium that aids individuals to find commonality, constitute a community, and address common concerns. As Sewell (2005:56) reminds us, centralized and wealthy institutional actors, especially the state, are cultural actors with remarkable resources to order meanings, even as they have varying success in controlling the coherence of cultural practice. In short, the omnipresence of the state in the Chinese case demands an explanation of the symbolic structure of the public sphere that takes the role of the state into consideration and that considers outcomes the state may or may not have intended.

3.1.2. The Possibility of Law

Although Habermas's and Alexander's studies are not entirely generalizable to the Chinese context, it is worth noting their shared observation that the development of the legal system may have important consequences for the public sphere. In both of their analyses, law is perceived as a factor that impacts how the medium of the public sphere developed. For Habermas, private law ensured market operation and private autonomy in Europe, making it possible for rationality to be cultivated in the private sphere. Habermas broadened this analysis in his later scholarship, arguing that law specializes in social integration. He states that "the language of law brings ordinary communication from the public and private spheres and puts it into a form in which these messages can also be received by the special codes of autopoietic systems and vice versa" (Habermas 1996:353-354).

For Alexander, the common law tradition influenced the cultural medium of American society. Law, as opposed to power, is classified as a “civil” institution with universal “civil force” (Alexander 2006:59). On the one hand, law is an artifact that reflects universal solidarity; on the other, law universalizes things and morality through its stipulation and case-by-case application (Alexander 2006:153). Alexander also points out the penetration of law in each sphere of life. He cites Lawrence Freeman’s finding in *Total Justice* (1985:33), that “the legal system [had become] part of the general culture, the general political system, the general economy.” This observation is shared by other American law and society scholars (Rosenberg 1991; Scheingold 1974). Although these scholars have divergent views on the impact of law and rights on social change on the ground, they agree that the American legal tradition has produced a widespread “myth of rights” among Americans, who believe they have inalienable rights and that everyone is equal under the law.

Margaret Somers’s (1993; 1994) studies of citizenship rights provide perhaps the most insightful and concrete analysis of the relationship between law, citizenship rights, the public sphere, and state-building. Her study of citizenship formation between the 12th and 14th centuries in England suggests that the legal revolution initiated by the English crown created both national and local public spheres as well as a national political culture based on rights with local variations. According to Somers, in the pre-modern state-building process, the English crown created a national legal infrastructure by establishing a new territorial-wide public law (common law) from the top and appropriating pre-feudal local juridical and administrative bodies from below. These local bodies became public spheres – sites of participation, negotiation, and contestation, in

which local rules and conventions were reapplied to local communities through local administrators who became accountable to the crown. The result of this institutional revolution was the creation of a hybrid political culture which mingled national and local rules and practices. Inclusion in such a legal infrastructure meant having rights to access the public legal system and thus be free from the private power, particularly manors. This early state formation process and the theory of natural rights and property rights in the 17th century lead to the myths of the “free-born Englishman” and the ideology of the rule of law (Somers 1994). Somers’s (1993) study of eighteenth-century England also demonstrates the indispensability of national law and legal infrastructure in producing citizenship claims that constituted public spheres.

The above literature suggests that law could play a potentially critical role vis-à-vis China’s emergent public and counterpublic spheres due to its integrative and penetrating capacity. The emerging counterpublic sphere in China is characterized by discourses and collective actions based on a variety of legal claims and forms of rights talk. In addition, scholars of Chinese studies have observed the rise of legal and rights consciousness amongst the Chinese people in recent years (Gallagher 2006; Goldman 2005:201; Lee 2002; Lee 2007; O’Brien and Li 2006). Though valuable, existing studies remain too narrowly focused on certain social groups, mostly aggrieved workers and peasants, as well as on specific grievances. As such, they are insufficient to give a general account on the role of law in the development of China’s public sphere.

Importantly, the integrative and penetrating capacity of law is not guaranteed. The work of Habermas, Alexander, and Somers all suggest that this capacity depends to a certain extent on law’s foundation outside the state. In medieval England, the penetration

and integration of the legal infrastructure relied heavily on rules, conventions, and the existing apparatus of local communities. As Somers states, the revolutionary feature of English legal institutions was their incorporation of local bodies and practices that were intact throughout the period of privatization under manoralism. Participation of non-state actors was also a critical characteristic of the English legal infrastructure. With these features, the English legal system was more likely to penetrate and integrate local communities (Somers 1994). According to Habermas (1989:75-6), codifications of civil law in seventh- and eighteenth-century continental Europe were not only in the interests of civil society, but also were often made after the deliberation of private people, despite the absence of parliaments at that time. In the contemporary context of liberal democracy, the political regime makes it more possible that law is not only a coercive regulation imposed and enforced by the state, but also a cultural and moral norm generated from the society (Alexander 2006:152; Habermas 1996). Given China's authoritarian regime, the state's imposition of a legal structure from the top, and the state's dominant role in the legal system, where does law's capacity come from? An adequate explanation of the Chinese case thus needs to address what makes law penetrative and integrative.

3.1.3. The Mediating Role of Media in Creating a Legal Community

Among the previous studies, Somers's case of England in the 12th-14th centuries is most similar to the Chinese case, as the active role of the English crown resembles that of the Chinese state. Nevertheless, there is a significant difference between the two cases. In the medieval English case, people interacted with each other in public spheres that were physically situated in local communities. By contrast, the Chinese case exists in the era of

“community without propinquity” (Calhoun 1998), in which communication institutions play a critical role in creating “imagined communities”(Anderson 1983). This critical difference requires us to examine the role of media in the Chinese case, in order to understand how law develops as a penetrative and integrative medium. Specifically, I argue that the media has played a key role, furthering the cultural capacity of law in China, despite the fact that the Chinese the legal system was imposed from the top by an authoritarian state without much social foundation from below. As Alexander (2006:191-2) remarks, law is subjected to interpretation not only in the legal system, but also in and through communication institutions, which often “stimulate and reflect the public’s opinion in an uneven, fragmented, and continuously shifting ways.”

A number of scholars have studied the impact of media on legal institution. For instance, in the context of the United States, Haltom and McCann (2004:11) find that media reports about law often profoundly reshape or distort legal policymaking and ordinary legal practice. Scholars studying the Chinese context are divided. Stockmann and Gallagher (2011), for example, argue that, as the state’s mouthpiece and market players, Chinese media effectively disseminate law to citizens by conducting “positive propaganda” that touts the positive aspects of the Chinese legal system. Conversely, Liebman (2005) finds that media commercialization in China has resulted in incentives for the media to broaden the scope of critical reports, to challenge the Propaganda Department content regulations, and to influence court decision-making. My study operates at a different level, asking not whether the media is a pawn or a critic of the Chinese state, but how the media in China serves to diffuse and interpret law, effectively transforming it into a medium that integrates Chinese citizens and constitutes them as publics.

3.2. DATA ANALYSIS STRATEGY

Data Sources

The major data sources that I analyzed in this chapter include:

- (1) Yearbooks and other official documents: I examined *Chinese Journalism Yearbooks* between 1983 and 2008, *Law Yearbooks of China* between 1987 and 2010, gazetteers published by local governments, and Party Congress reports.
- (2) Speeches and anthologies of CCP leaders: I examined speeches and anthologies of CCP leaders to investigate their actions and their rationales regarding how to address the crisis following the Cultural Revolution and rebuild China's legal institutions.
- (3) Newspapers: I examined one national newspaper, the *People's Daily* (1949-2010), and eleven local newspapers (2000- 2010) listed in Table 3-1. I selected the eleven local newspapers according to types of newspaper and geographical areas to make sure that I covered three main types of newspaper and newspapers in different geographic areas. "Daily newspapers" (*ribao*) are usually the official newspapers (i.e., mouthpieces) of local Party organs. They are obligated to disseminate CCP policies. Although they similarly belong to local Party organs, "evening newspapers" (*wanbao*) and "metropolis newspapers" (*dushibao*) tend to be more market oriented and to have more private subscribers (Zhao 2000b).¹ Since available electronic archives of local

¹ "Evening newspapers" have long been more popular among citizens. A survey conducted in Beijing in 1982 shows that the *Beijing Evening News* was the most popular newspaper in Beijing. 40.1% of the survey respondents reported that they liked the *Beijing Evening News*. In comparison, only 20.6 % survey respondents reported that they liked the *Beijing Daily*. See *China Journalism Yearbook*, 1982, p.277. In addition, 99.04% of the *Beijing Evening News's* subscribers were individuals. In comparison, only 7.9% of the *Beijing Daily's* subscribers were individuals in 1985. Although the surveys were conducted at different times, they show that "evening newspapers" were far more popular among ordinary citizens than "daily

newspapers do not exist prior to 2000, I limit my analysis to local newspapers from 2000 to 2010.²

- (4) In-depth interviews: I also interviewed ten experienced journalists, as well as six legal scholars and lawyers. The purpose for these interviews was to understand the development of the legal field and its relationships with the development of the media field. Face-to-face interviews took place in Guangzhou and Beijing between 2009 and 2011.

newspapers.” The latter heavily relied on organization subscribers. See *China Journalism Yearbook*, 1987, p.28.

² Because of the availability of data, I cannot perfectly match my selection of newspapers according to type of newspaper and geographical areas. Nevertheless, the data still covers three types of newspapers in Beijing and Guangdong.

TABLE 3-1: Selected eleven local newspapers.

Title	Place	Average circulation per day in 2000 ³	Note
<i>Beijing Daily (beijing ribao)</i>	Beijing	380,100	
<i>Jiefang Daily (jiefang ribao)</i>	Shanghai	398,000	
<i>Southern Daily (nanfang ribao)</i>	Guangdong	800,100	
<i>Sichuan Daily (sichuan ribao)</i>	Sichuan	313,300	Sichuan has a large rural area.
<i>Beijing Evening News (beijing wanbao)</i>	Beijing	780,100	One of the four largest evening newspapers.
<i>Xinmin Evening News (xinmin wanbao)</i>	Shanghai	1,290,300	One of the four largest evening newspapers.
<i>Yangcheng Evening News (yangcheng wanbao)</i>	Guangdong	1,520,100	One of the four largest evening newspapers.
<i>Jin Evening News (jin wanbao)</i>	Tianjin	569,900	One of the four largest evening newspapers.
<i>Beijing Morning Post (Beijing chenbao)</i>	Beijing	250,100	
<i>Southern Metropolis Daily (nanfang dushibao)</i>	Guangdong	506,800	
<i>The Strait Metropolis Daily (haixia dushibao)</i>	Fujian	172,900	

Data Analysis

I read through yearbooks and other official documents, speeches and anthologies of CCP leaders, and interview notes and transcripts carefully to understand why and how the Chinese state established a symbolic structure based on laws and rights. To increase the validity of my analysis, I constantly compared different categories of data and interview data from different subjects. When areas of divergence occurred, I conducted follow-up interviews via telephone or e-mail to clarify and deepen my understanding of the data.

³ China Journalism Yearbook 2001, p. 411-416.

Through this process of repeatedly analyzing and triangulating data, I was able to construct a narrative about how a symbolic structure based on laws and rights emerged in China and penetrated Chinese society.

In order to ascertain the diffusion of discourses about law, I conducted content analysis for articles in the *People's Daily* and the eleven selected local newspapers. I also retrieved news reports from the WiseNews data set. I used key words and synonyms of the keywords to select relevant news reports. One powerful feature of WiseNews is its integrated thesaurus. This feature allows for a comprehensive search by keywords. I then counted the number of reports.

3.3. THE FORMATION OF A SYMBOLIC STRUCTURE BASED ON LAWS AND RIGHTS IN CHINA

In this section, I present the results of my empirical analysis, showing why and how the Chinese state established a symbolic structure based on laws and rights that penetrates society. Drawing on literature on the state, I make a case for starting the analysis at a critical moment in history, the end of the Cultural Revolution, because this was when CCP leaders began to rebuild the nation and reconstruct the state from what was essentially a lawless situation. I explore how and why law became a solution to the state's crisis, and how a discourse of rights was diffused effectively in an authoritarian nation where law was previously abandoned and the concept of rights was foreign to the majority populace.

3.3.1. Crisis, the Structural Transformation of the State, and the Building of Legal Institutions

Although China was essentially “lawless” in the aftermath of the Cultural Revolution (Hu 1999:90; Wang 2010:5; Wu and Liu 2009:2), China began actively building its legal institutions in 1978. In 1999, PRC codified in the constitution both the principle of governance in accordance with law, and the goal of making China a socialist country under rule of law. China’s accession to the WTO in 2001 demonstrates that China’s legal institutions are sophisticated enough to meet the demanding requirement of the WTO membership. Why did the CCP rulers decide to move from the “rule of man” or lawlessness toward “rule by law”? What is the nature of this legal institution-building project? British political scientist Colin Hay’s (1999) theorization of crisis and the structural transformation of the state helps to explain and understand this critical shift. Hay (1999:317) argues that crisis should be conceptualized as not only “a moment of fragmentation, dislocation or destruction,” but also as “a moment of decisive intervention.” In the process of narrating a structural crisis, a disaggregated state is reconstituted as a more unified and centralized agency, which constructs a new project of restructuring itself to address the crisis. This project sets a new developmental trajectory for the state and put the state in transition. Although Hay prudently restricts his analysis to crisis in the context of liberal democracy, his theorization of crisis explains very well China’s reform in the aftermath of the Cultural Revolution, including its legal reform. His theorization also highlights the importance of the critical moment of crisis in order to understand the structural transformation of the Chinese state and the implications of such transformation. Hay outlines three scenarios in which a narration of crisis is likely to emerge; two of these

occurred in China with the end of the Cultural Revolution, when both social and political order were jeopardized. In addition, economic failure also imperiled the legitimacy of the state. During the critical time from October of 1976 to 1981, leaders of the Chinese Communist Party (CCP) continually constructed a narrative of a crisis acceptable to the core leadership.

The CCP elites collectively constructed a narrative of crisis that was organized around the principles of *stability (anding)*, *unity (tuanjie)*, and *modernization (xiandaihua)*. The first component of the narrative is the presence of a crisis. Although the “Gang of Four” – the most prominent political faction and the major “counter-revolutionary forces” during the Cultural Revolution – was smashed by the CCP leaders, a crisis still existed in the form of unstable leadership, a disrupted social order, and a plunging national economy. Yu Qiuli, the Vice Prime Minister, summarized the perceived precarious scenario well in October 1977, when he charged that the “Gang of Four” had usurped political power, sabotaged production, and damaged the national economy. As a result, the national economy was at the edge of collapse, which could lead to the resurgence of capitalism. Meanwhile, the CCP also lost its great leader Chairman Mao and Premier Zhou Enlai in 1976. Everybody was anxious about the fate of the Party and the nation, as well as how to deal with the declining national economy.⁴ In a critical Party resolution, Party elites admitted that Party organizations at all levels were either partially or entirely paralyzed because of the pervasive class struggle during the Cultural Revolution.⁵ Deng Xiaoping emphasized the

⁴ *People's Daily*, 25 October 1977.

⁵ The title of the document is “Resolution on Certain Questions in the History of Our Party since the Founding of the PRC”; it was adopted by the Sixth Plenary Session of the CCP 11 Central Committee on June 27, 1981. Retrieved 31 December 2010 from http://news.xinhuanet.com/ziliao/2002-03/04/content_2543544.htm.

negative consequences of the crisis on Chinese people's material life, China's economic and scientific development, modernization, and the power of the Chinese nation.⁶ In his speech in celebration of the 30th anniversary of the PRC's founding, Ye Jianying, the Chairman of the Standing Committee of the National People's Congress, described the Cultural Revolution as a period of havoc, division, and bloody terror, and framed it as the most severe setback.⁷ It became a consensus among the CCP elites in 1981 that the Cultural Revolution was a period of domestic turmoil that brought the most severe catastrophe to the Party-state and Chinese people.⁸ The editorial of the *People's Daily* in 1978 explicitly framed the crisis as a threat to the PRC's legitimacy and rule.⁹

The second component of the collective narrative concerned the cause of the crisis and why this nasty, brutal, and nationwide "war of all against all" could not be prevented or rectified at an earlier stage. The appraisal of the cause was necessary but formidable. Proposing effective solutions rested upon a valid causal analysis, but a causal analysis inevitably required imputing blame and considering whether the crisis was inherent to the nature of socialism. At first, the Hua Guofeng government attempted to eschew the question of what caused the Cultural Revolution and who should bear political responsibility, lest any blame or repercussions fall on Hua himself. At the central working conference that aimed to prepare for the Third Plenary Session of the 11th Central Committee in 1978, Hua instructed Party elites to discuss economic issues only.

⁶ *People's Daily*, 22 March 1978.

⁷ Retrieved 31 December 2010 from http://news.xinhuanet.com/ziliao/2005-02/05/content_2549765.htm.

⁸ "Resolution on Certain Questions in the History of Our Party since the Founding of the PRC."

⁹ *People's Daily*, 25 December 1978

Nevertheless, the meeting deviated from Hua's plan, with influential Party elites demanding to discuss the Cultural Revolution. These CCP elites asserted that, without addressing critical historical and political issues, it would be difficult to consolidate Party members and the nation, as well as to concentrate on the task of achieving economic development and modernization. Hua could not reject this request (Cheng, Wang, and Li 2008:165-170). It took CCP leaders almost five years from the end of the Cultural Revolution to negotiate a consensus on its causes. Eventually, the CCP leaders decided to follow a precedent established in 1945, forming and documenting their consensus through a highly formal format – adopting the “Resolution on Certain Questions in the History of Our Party since the Founding of the PRC” (*hereafter* the 1981 Resolution) at the CCP Central Committee in 1981.¹⁰ This treatment of sensitive historical issues was a powerful expression and indication of a consensus and a unified CCP leadership (Hu 1999:32).

Party leaders concluded that the calamity of the Cultural Revolution was the conjunction of leadership errors and complex social, political, and historical conditions. Importantly, the crisis was not caused by the nature of socialism, but by theories and practices that deviated from Marxism-Leninism and from Mao Zedong's earlier thinking – thinking from which Mao himself was thought to have had mistakenly strayed. According to the 1981 Resolution, the direct cause of the Cultural Revolution was Mao's erroneous appraisal of class relationships and of the political situation in China. Mao asserted that the contradiction between the proletariat and the bourgeoisie remained the principal

¹⁰ Although the CCP leaders discussed the Cultural Revolution in the Third Plenary Session of the 11th Central Committee and the central working conference held prior to this session in 1978, they did not come up with a full narrative of the Cultural Revolution, especially regarding its cause, until 1981. It is noteworthy that the CCP only adopted two resolutions, the 1946 and the 1981 ones, to address fundamental historical issues since its founding in 1949. This shows the critical importance of the 1981 Resolution in PRC's history.

contradiction, so there was a need for class struggle against the revisionist line, i.e., a continued revolution. Nevertheless, Party elites contended that there was neither an economic nor a political basis for such a revolution because the exploiters as a class were eliminated after China's socialist transformation. They also agreed that the counter-revolutionary forces capitalized on Mao's "left error" and expanded class struggle to an extreme.

Importantly, the 1981 Resolution identified two critical structural conditions as indirect causes of the Cultural Revolution. The first condition was China's short history as a socialist nation. Owing to inadequate experience and misunderstanding of socialist theories, people still tended to identify *as* class struggle new contradictions and problems that did not actually constitute class struggle. In other words, Chinese people waged class struggle in situations where class struggle did not exist. Then, when dealing with actual class struggle under new conditions, Chinese people were inclined to address those issues with an outdated strategy of mass mobilization. Therefore, class struggle tended to be waged at a large scale, dividing a unified Party leadership and nation. The second condition was weak institutionalization. Party elites believed that, due to the long-lasting impact of feudalism, China failed to institutionalize inner-Party and nationwide democracy. It also failed to build legal institutions. Weak institutionalization led to the over-concentration of power, the arbitrary "rule of man," and the rise of the cult of personality. Few individuals were able to replace collective leadership and abolish the constitution and law (Hu 1999:90, 113).

The third component of the narrative concerns the solution to the crisis. In the Third Plenary Session of the 11th Central Committee in late 1978, CCP leaders agreed that the solutions to the crisis were to resume the disrupted task of achieving *socialist*

modernization, particularly *economic development*, as well as to secure long-term *stability* and *unity*. The former was perceived by CCP elites as the only way to secure the CCP rule and the latter was seen as an indispensable condition for the realization of the former (Hu 1999:11).¹¹ The leaders agreed that only through restructuring the state and economy, particularly through building an advanced legal system, could they remove the structural conditions that produced the crisis. In an interview with Italian journalist Oriana Fallaci, when asked how to avoid tragedies like the Cultural Revolution, Deng Xiaoping (1994:348) responded that this issue should be addressed by restructuring institutions, especially establishing socialist democracy and socialist legal institutions. In their effort to learn from the Cultural Revolution, CCP leaders rediscovered the instrumental utility of law, seeing it now as an institutionalized instrument to achieve stability, unity, and modernization – that is, an instrument to rescue and strengthen the legitimacy of the CCP (Deng 1994:189, 381).¹² A new constitution was enacted in 1978, recovering some of the citizenship rights that were removed from the 1954 Constitution. It also restored the public security organs, procuratorial organs (prosecutor offices) and people's courts, which were partly smashed by the "Gang of Four." The 1978 Constitution was then overhauled in 1982 to reflect Party elites' consensus in the 1981 Resolution. The embrace of law as a means to enhance the economy and to govern the nation was documented in the Communique of the Third Plenary Session of the 11th Central Committee:

¹¹ Deng Xiaoping also mentioned this point at the New Year reception held in Beijing by the National Committee of the Chinese People's Political Consultative Conference on January 1st 1980. See *People's Daily*, 2 January 1980.

¹² Jiang Hua, the President of the Supreme People's Court between 1975 and 1983, also advocated this view. *People's Daily*, 15 December 1980.

The rights of ownership by the people's communes, production brigades and production teams and their power of decision must be protected effectively by the laws of the state.... The constitutional rights of citizens must be resolutely protected and no one has the right to infringe upon them. In order to safeguard people's democracy, it is imperative to strengthen the socialist legal system so that democracy is systematized and written into law in such a way as to ensure the stability, continuity and full authority of this democratic system and these laws; there must be laws for people to follow, these laws must be observed, their enforcement must be strict and law breakers must be dealt with. From now on, legislative work should have an important place on the agenda of the National People's Congress and its Standing Committee. Procuratorial and judicial organizations must maintain their independence as is appropriate; they must faithfully abide by the laws, rules and regulations, serve the people's interests, keep to the facts; guarantee the equality of all people before the people's laws and deny anyone the privilege of being above the law.¹³

3.3.2. Defining the Nature of Law

As Habermas (1995) states, political authority is usually exercised in forms of law regardless of political regime, so it is important to explore how Chinese leaders defined the nature of law when they initiated China's legal reform. Although Party leaders did not develop a systematic theory of law, important Party documents and speeches of leaders reveal how top CCP leaders defined the nature of law at this critical juncture.

Law as a partial substitute for class struggle

Class struggle constituted the dominant symbolic structure in China before the end of the Cultural Revolution. Accordingly, CCP leaders rectified the "left errors" of the Cultural Revolution and the Hua Gofeng leadership by redefining the relationship between class struggle/class relationship and law. Class relationship and law constitute distinct but interrelated symbolic structures, which are different in two major ways. First, class relationship is simple, composed of binary and antagonistic categories: the proletariat

¹³ *Peking Review*, 15 December 1978.

(people) vs. the capitalist (enemy). In comparison, the structure of law is much more sophisticated and precise as positive laws define each element and the relationship between elements in law to reduce ambiguity and unpredictability. Second, class struggle is often waged through mass mobilization and political campaigns without any reliable procedure to ensure the validity of a claim, whereas procedural rules and legal professions raise the probability that a claim is properly addressed.

During the Cultural Revolution, class struggle and class relationship trumped law because Mao emphasized the continued existence of class struggle. As Mao's secretary Hu Qiaomu (1999:112-113) recalled, Mao initiated the cause of "bombarding the capitalist headquarter" in 1966. Suddenly, Mao accused Liu Shaoqi, the second Chairman of the PRC, of being counter-revolutionary; moreover, Mao abruptly pointed out the existence of two headquarters – the capitalist headquarter and the proletariat headquarter – in China, although there was no justification and evidence for the existence of "the capitalist headquarter" or for why people were classified in certain ways. Statements and judgments were made arbitrarily. "Various fundamental principles in the constitution and law became useless," Hu (1999:113) commented. Slogans of class struggle created by Mao constituted the dominant symbolic structure and guided Chinese people's practice. As Gao Xingjian, a Chinese-born Nobel laureate in literature, recalled his experience in the Cultural Revolution:

I admit that I was like a gambler and a mobster. It was because I needed to oppose against repression. But whose slogans did people use to oppose repression? Those were Mao's slogans. Those who repressed others and those who opposed repression used exactly the same language. Were you able to resist using Mao's slogans? Those slogans as such were violence. They were naked violence and the most fascist violence.... If you didn't participate in the struggle, you would be singled out

immediately. Objectively, everyone was a ruffian. You were either a victim or a mobster. You were not able to play any other role.¹⁴

CCP leaders tried to solve the problem of “over-application of class struggle” through adjusting the jurisdiction of the two sets of symbolic structures. Drawing on Mao’s talk in 1957 to correct Mao’s own mistake, Party elites accentuated the necessity to distinguish two types of contradiction – contradictions between the enemy and the people, and contradictions amongst the people. According to CCP leaders, law governs both types of contradiction, whereas class struggle is only applicable to contradictions between the enemy and the people (Deng 1994:175). To rectify numerous mistakes of wrongly waging class struggle, CCP leaders redressed such injustice in accordance with law. CCP leaders pointed out that although China could not relax class struggle against a small handful of counter-revolutionary members and criminals who attempted to undermine socialist modernization, such struggle should be conducted in accordance with the procedures prescribed by the Constitution and the law.¹⁵ The 1978 Constitution was revised in 1982 because it over-emphasized class struggle.

Nonetheless, the CCP leadership’s return to law should not be read as the complete subordination of class struggle to law. Instead, the symbolic structure of class relationship still constrains how law is applied when a class struggle is initiated. According to Deng Xiaoping (1994:266-267), the reform architect, the CCP does not tolerate counter-revolutionary members to enjoy the freedoms of speech, press, assembly, or association. Similarly, when clarifying the difference between “socialist democracy” and

¹⁴ Chen Jun’s interview with Gao Xingjian. See China News Digest. Retrieved 31 December 2010 from <http://www.cnd.org/cr/ZK00/cr84.hz8.html>.

¹⁵ The Communique of the Third Plenary Session of the 11th Central Committee. *People’s Daily*, 25 October 1977.

the “bourgeois democracy,” Hu Qiaomu (1999:143), the main drafter of many important Party documents, emphasized that “socialist democracy” does not allow enemies to have freedom. When dealing with enemies, the CCP should not only punish them according to law, but also inform the Chinese people that the conflict constitutes class struggle (Hu 1999:199-200).

Law as a pragmatic instrument to achieve stability, unity, and modernization

As Williams Alford (1990; 1999) states, CCP leaders regard law as a “tool of state administration,” instead of an end itself. This conception of law reflects the pragmatic thinking of the reform architect, Deng Xiaoping. When rebuilding China’s legal system, CCP leaders defined law as an instrument of the state to achieve stability, unity, and modernization. The 1981 Resolution is clear on the instrumental value of law. It said: “We must turn the socialist legal system into a powerful weapon for protecting the rights of the people, ensuring order in production, work and other activities, punishing criminals and cracking down on disruptive activities of class enemies.”¹⁶

Although protecting the rights of people was mentioned in the 1981 Resolution, it is law’s nature as a weapon to maintain stability and unity that was accentuated most by Party leaders at the critical moment of establishing China’s legal institution. In one of his important talks in 1980, Deng Xiaoping (1994:253) asserted that Party cadres and members should “learn to use and master the weapon of law” to combat criminals, as being benevolent to criminals would merely damage the interests of the people and the

¹⁶ The 1981 Revolution. Retrieved 31 December 2010 from http://news.xinhuanet.com/ziliao/2002-03/04/content_2543544.htm.

undertaking of socialist modernization. Deng further instructed that the state should enact law and regulation to secure stability and unity. Specifically, the state should promulgate law to require a mediation process before strikes, demand permission for demonstration, outlaw connections between individuals across organization units or regions, and prohibit illegal organizations and publication (Deng 1994:271). Through emphasizing the role of law in maintaining stability and unity, Party leaders distanced the socialist legal system from the views of both leftists and rightists. Party elites accused both camps of producing turbulence. They particularly condemned participants in the 1978-1979 Xidan Wall democratic movement for mistakenly promoting bourgeois democracy and demanding freedom of speech (1981:233, 252). Party leaders' crackdown on this democratic movement and their use of the category of counter-revolutionary crime to punish dissidents demonstrated the leaders' conception of law as a weapon to maintain social order.

Party leaders also saw law as an instrument to advance modernization, particularly economic development. In an important talk in 1978, Deng Xiaoping urged the government to accelerate law-making so that economic activities could be conducted in accordance with law. In the realm of the economy, Deng especially pointed out the need to enact civil law, labor law, and law on foreign investment. He argued for using law to define the relationships between businesses and the state, amongst businesses themselves, and between businesses and individuals (Deng 1994:146-147). Deng was very concerned with whether Chinese laws were able to attract foreign investors or not (Deng 1993:79-80).

CCP leaders' instrumental approach to law is different from the principle of "rule of law" in liberal democracies and jurisprudence. "Rule of law" usually means that ordinary citizens and the state authority are equally subjected to laws (i.e., the will of citizens) which

are enacted through democratic procedures to protect citizens' fundamental rights (Habermas 1995). Although CCP leaders did emphasize that Party members and cadres should abide by law and Deng Xiaoping alluded that law-making should go through some kind of democratic process (Deng 1994:146), they did not elaborate on what constitutes "democratic process" and how to ensure that law *systematically* reflects the will of ordinary citizens. On some occasions, Party leaders stated frankly that law is made by CCP leaders without belaboring the law with the "democratic process." Hu Qiaomu's view of law illustrates the Party leadership's perspective; Hu participated in the drafting of the 1954 Constitution and was appointed as the General Secretary of the Constitution Revision Committee in 1980. He was also the main drafter of the 1981 Resolution and the Communique of the Third Plenary Session of the 11th Central Committee (Cheng 2011). When commenting on the obligation of Party cadres and leaders to follow the constitution and law, Hu said that the constitution and law were enacted by Party leaders. If Party leaders themselves do not follow the law, why would ordinary citizens want to obey the law? If Party leaders think law is inappropriate, they should just *change* instead of violating the law (Hu 1999:109, 126). Essentially, Party leaders have the monolithic power of law-making.

As I will demonstrate in the following section, Chinese leaders' strategies of law dissemination correspond well to their concepts of law – but, crucially, the diffusion process has also produced unintended consequences as more and more actors within and outside of the state apparatus have joined the diffusion process.

3.3.3. Dissemination of Law: From “Knowing and Abiding By Law” to “Rights Protection”

As mentioned, China’s legal reform was a solution proposed by the central government to address the crisis situation in the aftermath of the Cultural Revolution. Whether the “weapon of law” created by elites in the central government was able to achieve stability, unity, and modernization depended on how well law was disseminated and accepted by the Chinese populace. This prerequisite was a daunting task in the late 1970s and 1980s, considering China’s huge population and territory, low literacy rate,¹⁷ and the demolition of law and extensive practice of class struggle during the Cultural Revolution decade. The general unfamiliarity with law among the Chinese populace was manifest in an emergent term called “legal illiterate (*famang*)” – those who did not know law or have a sense of legality – in the late 1970s. This term first appeared in the *People’s Daily* in October 1979. It was used to talk about how peasants without legal knowledge were empowered through learning the newly enacted Criminal Law.¹⁸ Another *People’s Daily* article in December 1979 advocated using education to reduce the number of “legal illiterates.” The author pointed out that the rise of the “Gang of Four” led to huge number of “legal illiterates” in China. The old generation did not study law. The young generation, who grew up in a lawless situation, never heard of the law and lacked a sense of legality.¹⁹

¹⁷ The World Bank defines the adult literacy rate as “the percentage of people ages 15 and above who can, with understanding, read and write a short, simple statement on their everyday life.” According to the World Bank, the adult literacy rate in China in 1982 was 66%. In 1990, 2000, and 2009, the adult literacy rate in China was 78%, 91%, and 94%, respectively. Retrieved 31 December 2010 from <http://data.worldbank.org/country/china>.

¹⁸ *People’s Daily*, 6 October 1979.

¹⁹ *People’s Daily*, 1 December 1979.

The term “legal illiterates” became increasingly popular from 1979 onward. This phenomenon reflected the difficulty that Chinese leaders faced of how to “deliver law to people.” Nevertheless, the Chinese government successfully “placed the law in the hands of the masses of people” within three decades since the end of the Cultural Revolution. In the beginning after China’s return to law, the Party-state stressed “knowing law and abiding by law.” Then the discourse about law shifted to rights protection, which turned out to be effective in spreading law to Chinese people. China’s accomplishment in law dissemination can be shown by the Rule of Law Index. In 2011, China is ranked by the World Justice Project as number 22 out of 67 countries in terms of how well laws are publicized and widely accessible. It is the second best among the “non-free” countries and even better than Germany. In the evaluation of how the laws are comprehensible to the public, China is ranked as number 11 out of 67 countries, more highly ranked than Austria, Norway, Canada, United States, and many other liberal democracies.²⁰

Discourse of knowing law and abiding by law

Soon after CCP leaders decided to return to law, the dissemination of law became an imperative, as CCP leaders thought that Chinese society was still in turmoil.²¹ It was often reported that China remained disordered after the Cultural Revolution due to serious crimes and the 1978-1979 Xidan Wall democratic movement.²² Chinese leaders believed that only when the majority of people knew and spontaneously obeyed the law, and when cadres

²⁰ The Rule of Law Index 2011 report. Retrieved 31 December 2010 from <http://worldjusticeproject.org/rule-of-law-index/index-2011>.

²¹ According to Zhou Yu, the Minister of Justice from 1983 to 1988, Chinese central and local governments began to disseminate law actively since 1979. *People’s Daily*, 17 June 1985.

²² *People’s Daily*, 9 December 1979.

understood and could enforce the law, only then could the desired social order and stability be attained. Chinese leaders thus stressed the importance of educating people so that they would be disciplined and obedient to law. For instance, at the Eighth National People's Judicial Working Conference in 1978, Party leaders urged that courts at all levels should regularly disseminate law and strengthen legal education to prevent illegal behavior and crime.²³ Deng Xiaoping (1993:267) stated that the essence of rule by law is that everybody understands, obeys, and safeguards the law. And the key lay in legal education, which should begin from toddlers and extend to the entire society (Deng 1993:163). The CCP General Secretary Hu Yaoban endorsed the same view.²⁴ The importance of education to create disciplined and law-abiding citizens was later written in Article 24 of the 1982 Constitution: "The state strengthens the building of a socialist society with an advanced culture and ideology by promoting education in high ideals, ethics, general knowledge, discipline and legality."

To make law penetrative, when the Chinese government spread the discourse of knowing law and abiding by law, it also stressed the necessity of suppressing crimes and spreading details about harsh punishment to the public as part of legal education. This practice of publicizing crimes and imposing stigma reflects Chinese leaders' concepts of law as an instrument to maintain stability, and as a partial substitute for class struggle. In 1979, the Party-state proposed a strategy called "comprehensive governance" (*zhonghe zhili*) to maintain social security and order. Two measures were of critical importance. First, the central government said it tolerated no leniency, requiring police, courts and prosecutor

²³ *People's Daily*, 28 May 1978.

²⁴ *People's Daily*, 2 September 1982.

offices to punish criminals severely. The symbolic structure of class relationship was brought to bear by the government to define criminals as class enemies. The Party-state demanded police and judicial agencies to punish criminals who destroyed social order as harshly and swiftly as possible. This policy was adopted formally in the 1983 anti-crime (*yanda* or Strike Hard) campaign. Second, the Party-state required all organizations to disseminate law, particularly criminal law. It demanded courts to disseminate law through announcing sentence in the form of mass gathering. The purpose was to induce deterrence.²⁵ This form of law dissemination, which was reminiscent of mass mobilization during the Cultural Revolution, was widely practiced in the 1983-1985 anti-crime campaign.²⁶ As Liu Fuzhi (1998:179-80), the Minister of Public Security in 1983-1985, recalled, Deng Xiaoping insisted that mass mobilization was an indispensable means to crack down on criminal activities and a critical form of legal education, despite the CCP's promise of no more mass mobilization, as well as disagreement inside the Party.

The policy of the central government was executed by local governments. According to *People's Daily* reports and local gazetteers, local governments in both rural and urban areas actively spread the law beginning in late 1978. They aimed to inform citizens and cadres of the law, and to ensure their compliance with it. Local police offices, courts, and other agencies held diverse law dissemination campaigns in government and party

²⁵ *People's Daily*, 9 December 1979 and 22 June 1981. The strategy of "comprehensive governance" was later written as the "Decision of the Standing Committee of the National People's Congress on Intensifying the Improvement of Social Security by Taking Comprehensive Measures" in 1991.

²⁶ *People's Daily*, 7 June 1984. Also, some local gazetteers mentioned how local governments enforced the policy in the 1983-1985 anti-crime campaign. For instance, in Suzhou, the local government arrested 1,572 people in the campaign. To enforce measures in comprehensive governance the local government publicized selected cases to disseminate law. Retrieved 31 December 2010 from <http://www.dfzb.suzhou.gov.cn/zsbl/442527.htm>.

organizations, schools, factories, people's communes, streets, etc. These law dissemination campaigns often aimed to create the norm that "abiding law is honorable; breaking law is shameful."²⁷

At the same time as the central government continued to enact laws, officials sensed a continuing lack of legal knowledge amongst citizens. To increase the law's penetrative reach into society, the central government determined to initiate a social engineering project that mobilized the entire society to accelerate dissemination of law. In June 1985, the Propaganda Department of the CCP Central Committee (or the Publicity Department) and the Ministry of Justice jointly announced a five-year plan of disseminating law. This plan detailed methods, steps, and organization for disseminating law. The law dissemination campaign aimed to acquaint citizens with basic knowledge of the law within five years, so that each citizen would know and abide by law.²⁸ Between 1985 to 2010, five five-year plans of law dissemination have been implemented.

Discourse of rights

Although ensuring that citizens' knew and obeyed the law was the main focus when the central government began to rebuild China's legal institution, the foci of legal dissemination eventually became more diversified. Gradually, the discourse of protecting rights became increasingly widespread in both legal dissemination campaigns and other occasions when law was mentioned to the public. I show this trend in Figure 3-1, which plots the numbers of the *People's Daily* articles with "rights" and "abiding by law" in the

²⁷ *People's Daily*, 3 April 1983.

²⁸ A five-year plan of the Publicity Department of the CCP Central Committee and the Ministry of Justice announced the goal of acquainting citizens with basic knowledge of law (June 1985).

title each year from 1949 to 2010.²⁹ Since the title of a newspaper article usually reveals its main thrust and contains important information to grab readers' attention, how often "rights" and "abiding by law" appear in newspaper titles indicates the visibility of the two discourses in the public forum.³⁰ Figure 3-1 indicates that discourse of knowing and abiding law slightly increased since 1985, when the 1985 law dissemination campaign was initiated, but then gradually declined. Although this discourse did not totally disappear, its visibility remained very limited. In comparison, the discourse of rights, not originally the part of the main focus of the early law dissemination programs, started rising after 1979 and then climbed drastically around 1999. The gap between the two discourses became wider over time.

²⁹ I used "quanli," "qunyi," and "weiquan" to search for articles with "rights" in titles and used "shoufa" to search for articles with "abiding by law" in titles.

³⁰ It should be noted that I did not include cases when articles addressed non-domestic issues. As the Chinese government sometimes employed the discourse of rights to address international relation issues and criticize the status of rights protection in other countries, including those cases here would have wrongly inflated the visibility of such rights discourse vis-à-vis domestic issues.

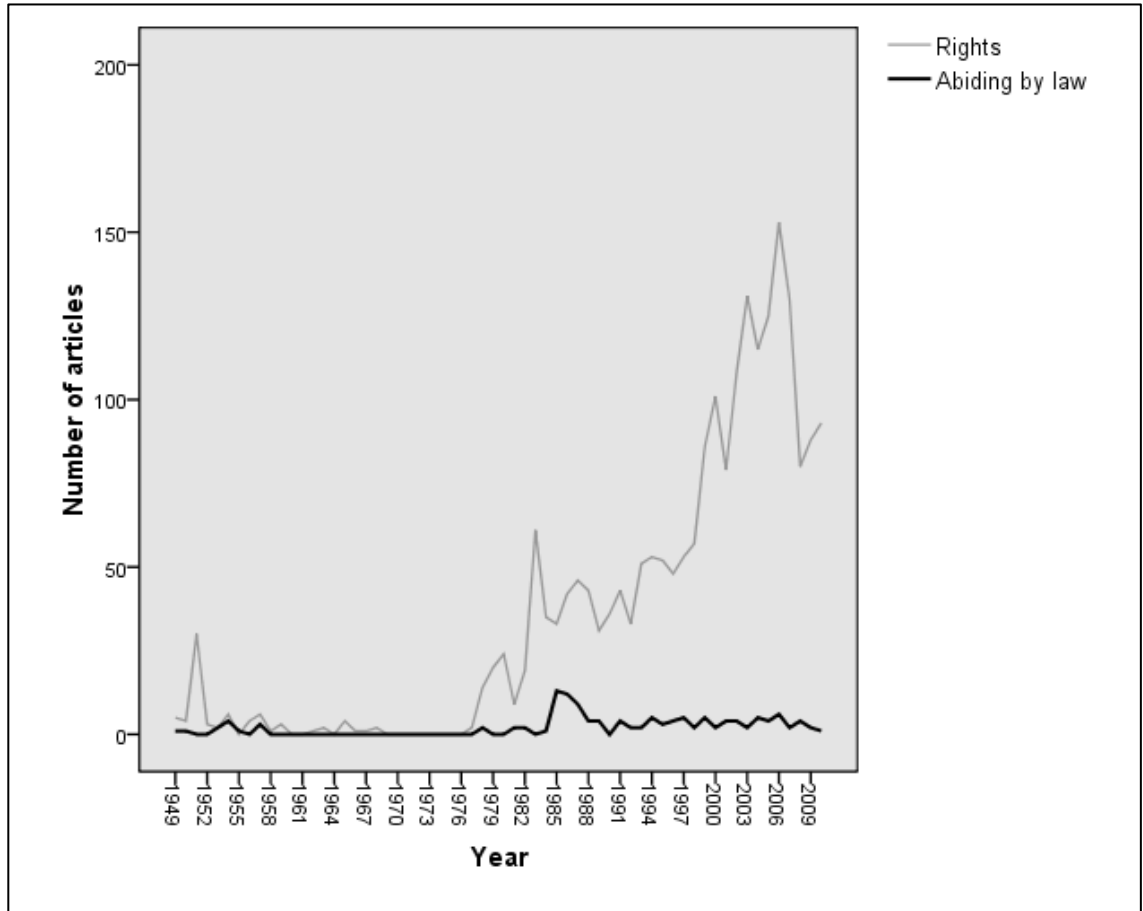


Figure 3-1: Numbers of *People's Daily* articles with “rights” or “abiding by law” in the title, 1949-2010.

Figure 2 shows that, in general, the discourse of rights gained prominence over time, while the discourse of knowing and abiding by law remained sporadic over time across types of newspaper and geographical areas. Importantly, the discourse of rights expanded particularly during the period from 2000 to 2005 – *before* the rise of the nationwide counterpublic sphere – in most of the local newspapers that I examined.

In addition to the overall surge of the discourse of rights, two observations are worth mentioning. First, there is a lag between the time when the discourse of rights became prevalent in central forums and the time when it became salient in local forums. The

discourse of rights was already salient in the *People's Daily* in 2000 and 2001, but still quite invisible in local forums such as the *Sichuan Daily*, the *Beijing Daily*, and the *Yangcheng Evening News*. This affirms that the dissemination of discourse proceeded from the central government to local forums. Second, certain forums – the *Southern Daily* and the *Southern Metropolis Daily* – stand out from the rest. Comparing the graphs of the *Southern Daily*, the *Southern Metropolis Daily*, and the *Jiefang Daily* in Figure 3-2, it can be found that although they are all forums in which the discourse of rights circulated in early days, the discourse of rights climbed drastically in the *Southern Daily* and the *Southern Metropolis Daily* but grew smoothly in the *Jiefang Daily*. Clearly, the *Southern Daily* and the *Southern Metropolis Daily* are the forums where the discourse of rights gained most visibility among the 11 local newspapers. I will explain this variation and its implication on the evolution of China's counterpublic sphere in Chapter 4.

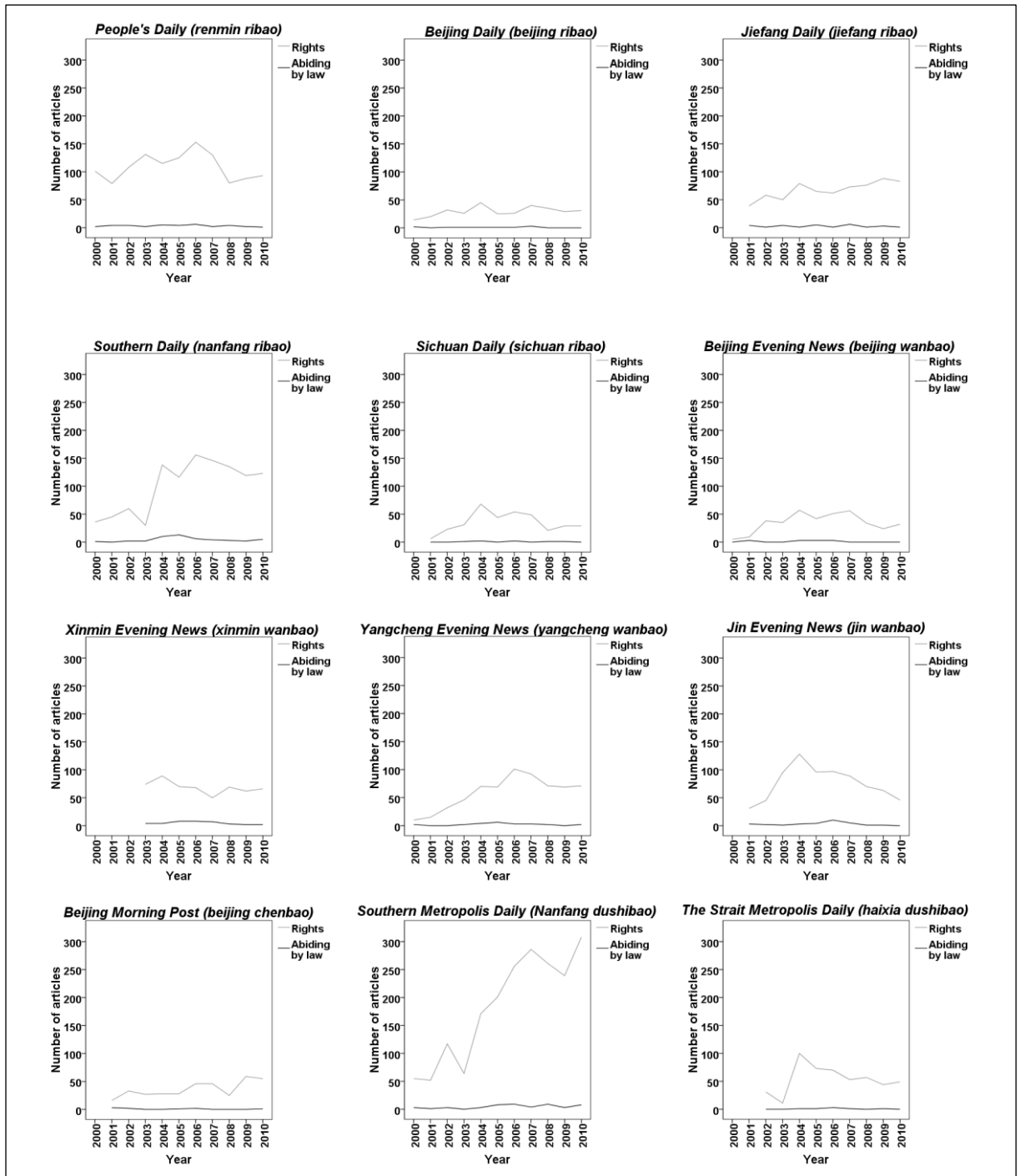


Figure 3-2: Numbers of articles with “rights” and “abiding by law” in the titles of twelve newspapers, 2000-2010.

Increasing the penetration of law by disseminating the discourse of rights

To be sure, the language of rights was not novel in PRC's law, but the concept of rights was foreign to most Chinese people and had little meaning in their everyday lives. Before the Cultural Revolution, the language of rights was used in PRC's first constitution (1954) and Marriage Law (1950). The question is why the discourse of rights became dominant with the development of China's legal system, given the efforts of the CCP leaders to promote the discourse of obeying law, and not necessarily the discourse of rights.

First, there were calls for fixing problems in law dissemination campaigns and using the discourse of rights, rather than the discourse of abiding by law, in order to disseminate law inside the Party-state since the mid-1980s. For instance, an article in the *People's Daily* written by a law professor, Kong Qingming, in 1985 criticized that the discourse of obeying law as reflecting an outdated concept of law rooted in China's feudal and patriarchal tradition, in which an individual had absolute obedience to authority but no rights, and in which law was a synonym of punishment and vice. Kong contended that this outdated concept of law made law seem irrelevant to Chinese people's lives. As long as they were not breaking the law, it had very little to do with their lives. Citing PRC's constitution, Kong argued against this outdated concept of law, and for raising Chinese people's rights consciousness and disseminating law from the perspective of rights protection. He believed that a concept of law centering on rights would provide citizens with incentives to understand and engage with the law.³¹ Another *People's Daily* article published in 1988 also stated that local law dissemination campaigns overemphasized the discourse of

³¹ *People's Daily*, 26 August 1985.

obeying law and citizen's obligations, without advocating citizen's rights and raising citizen's rights consciousness. The author argued that legal education and law dissemination campaigns should discard the concept of law based on Chinese feudalism, which aimed only to govern the populace. Instead, the government should raise Chinese people's law and rights consciousness so that people would know how to use the weapon of law to protect their own rights.³² Similar reflection upon the law dissemination campaigns appeared in academic journals starting in the late 1980s. Scholars proposed deepening law dissemination through raising rights consciousness. Some articles even anticipated and addressed the state's potential concerns of how to deal with citizens who develop strong rights consciousness. They argued that the government should not worry about rising rights consciousness among citizens because such citizens would only be more rational and respectful of law (Cheng and Zhang 1988; Zhou 1999).

The second, more important factor leading to the prevalence of the discourse of rights was the central government's increasing emphasis on law's utility in constructing the socialist market economy. Although the CCP leaders still regarded law as an instrument for maintaining stability, their goal of developing the economy also required them to emphasize its role as an instrument to enable and advance the "commodity economy," later termed the "socialist market economy" by Deng Xiaoping. To enable this transition from a socialist planned economy to a socialist market economy, and to join the global market economy, the Party-state enacted civil laws – the general part of private law – and economic laws in order to delineate properties, while also governing market transactions. As the Minister of the Propaganda Department Deng Lihou said at a law dissemination

³² *People's Daily*, 2 May 1988.

conference in 1985, over half of the laws enacted between 1978 and 1985 in China concerned the economy.³³ These civil and economic laws differ from criminal law in two important aspects. First, the operation of the former requires actively engaging with law (e.g., making a contract) instead of simply avoiding its violation. Second, not only obligation but also rights (e.g., contractual rights and property rights) are essential elements in laws that govern economic activities.

When China decided to join the global market economy in 1978, it lost the ability to make its own civil and economic laws without considering consequences on foreign investment and international trade. As a result, basic elements of China's civil and economic laws were forced to align with those in other countries and it became impossible for the government to avoid talking about rights vis-a-vis civil and economic laws. In comparison, the concept of rights is not absolutely necessary when dealing with criminal law. How foreigners' concept of rights influenced law-making in China can be seen from an interview with Jiang Ping, a prominent law professor who participated in constructing some of these laws. According to Professor Jiang, foreign investors did not want to invest in China in 1978 because they always asked what their rights were and how their rights were going to be protected. Ye Jianying, the Chairman of the Standing Committee of the National People's Congress, were very anxious about this. As a result, China borrowed very much from foreign laws during its own law-making process, in order to ensure foreigners that their rights would be protected under Chinese law.³⁴

³³ *People's Daily*, 21 June 1985.

³⁴ The Economic Observer Newspaper (jing ji guan cha bao), 26 May 2008.

The urgent need for foreign capital and the impact of the global economy on China's domestic legislation is illustrated in the enactment of the Law on Chinese-Foreign Equity Joint Ventures (1979) and the Administrative Litigation Law (1989). The former was passed within only three years of the end of the Cultural Revolution and around seven months after the decision of the economic reform. Distinct from its counterparts in other countries, the Law on Chinese-Foreign Equity Joint Ventures set not an upper limit, but a *lower* limit or floor for the proportion of foreign investment in joint ventures, signifying that China welcomed and needed foreign investment. The Administrative Litigation Law is widely considered as a progressive piece of legislation, as it enables Chinese people to sue the authoritarian state. Nonetheless, this law was passed, in fact, because of the consideration about foreigners. As one core participant in the law-making process recalled, this legislation encountered tremendous opposition from the leftists in the Party-state for ideological reasons, and from Party elites who worried about the negative consequences of this law on policy implementation and economic development. Local government officials in many provinces sent hundreds of letters to the central government, asking the central government to cease the legislation process. Despite such opposition, CCP top leaders insisted on passing the Administrative Litigation Law, as they believed it would be very difficult to attract foreign investment without administrative litigation.³⁵

The actual diffusion of the discourse of rights in China depended on the enactment of laws that are closely related to ordinary citizens' economic lives, and that draw on the language of rights. This condition was not satisfied until the mid-1990s, owing to the

³⁵ *Procuratorial Daily*, 20 August 2009. Retrieved 31 December 2010 from http://www.jcrb.com/zhuanli/fzzt/60fzjs/60flfg/0506/200908/t20090825_255688.html

Party-state's development strategy and the 1989 Tiananmen incident. Due to lack of capital and technology, China's development model relied heavily on foreign investment. To attract foreign investment, the Chinese state concentrated on enacting laws related to foreign investment during the first stage of economic reform.³⁶ After a couple years of economic expansion, economic and political problems, such as inflation, arbitrage, and corruption, became salient in China's transition from a planned economy to a market economy. These problems triggered the 1989 Tiananmen incident. The political turmoil and the opposition of the leftists inside the Party-state toward the economic reform made law-making difficult and the path of economic reform became very uncertain.³⁷

The situation changed after Deng Xiaoping's "Southern Tour" in 1992, in which Deng coined the term "socialist market economy" and decisively announced the plan to accelerate China's economic reform. In the mid-1990s, the National People's Congress finally passed several laws concerning ordinary Chinese citizens' economic life, particularly in the commodity, labor, and real estate markets. Important laws, such as the Law on Protection of Consumer Rights and Interests (1993), the Product Quality Law (1993), the Corporation Law (1993), the Labor Law (1994), the Law on Urban Real Estate Administration (1994), and the Law on Township Enterprises (1996), acknowledge Chinese citizens' rights as real estate owners, as consumers to purchase qualified products and service, as labor providers to receive remunerations, and as business owners. In short, after Deng's Southern Tour, China sped up its law-making. Since the mid-1990s onward,

³⁶ The Chinese state passed many laws concerning foreign investment, such as the Law on Chinese-Foreign Equity Joint Ventures (1979), Trademark Law (1982), Patent Law (1984), Law on Economic Contracts Involving Foreign Interest (1985), Law on Foreign-Capital Enterprises (1986), Law on Chinese-Foreign Contractual Joint Ventures (1988), and Copyright Law (1990).

³⁷ Procuratorial Daily, 13 August 2009.

rights have been embodied in concrete laws that thoroughly infiltrate and govern citizens' economic lives, instead of remaining an abstract concept at the level of the constitution. Of course, it took time for these laws to be disseminated from the central government to ordinary citizens and to be practiced by ordinary citizens.

The role of law as an instrument to advance the economy also became salient in law dissemination campaigns with the deepening of economic reform. When reporting to the Standing Committee of the National People's Congress in 1986 on the implementation of the five-year plan, although the Minister of Justice, Zou Yu, still talked about the need to combine the law dissemination campaigns with the "comprehensive governance" program to prevent crime, he accentuated the link between law dissemination campaigns with citizens' material live and their participation in the commodity economy. Tian Jiyun, the Vice Chairman of the Standing Committee of the National People's Congress, further associated law dissemination with citizens' rights and the development of the market economy. In his talk to journalists on law dissemination in 1993, Tian said that journalists should diffuse law to the public so that citizens would be able to protect their own rights in the market economy.³⁸ The Propaganda Department and the Ministry of Justice increased the visibility of rights in their plans (Table 3-2). Since the second five-year law dissemination plans, the central government began emphasizing that it expected ordinary citizens to use law and to exercise their rights in accordance with law. Both the discourse of obeying law and the discourse of rights were circulated in the law dissemination

³⁸ *China Journalism Yearbook*, 1994, p.6.

campaigns.³⁹ To make law work, the government needed to educate its citizens that they have rights according to law and that the law is their weapon.

TABLE 3-2: Five-year plans of law dissemination, 1986-2000.

Law dissemination campaign	Time period	Expectation on ordinary citizens	New emphasis in the plan
The first five-year plan	1986-1990	Citizens are expected to know and abide by law.	
The second five-year plan	1991-1995	Citizens are expected to have basic understanding of laws that are closely related to their work, production, and life. Citizens are expected to exercise their rights and fulfill their obligation in accordance with law.	Combing the principles of learning and using law (<i>xuefa yunfa</i>).
The third five-year plan	1996-2000	Citizens are expected to know law, abide by law, protect law, and protect their own lawful rights and interests in accordance with law.	
The fourth five-year plan	2001-2005	Citizens are expected to abide by law, protect their own lawful rights and interests, and develop consciousness of democratic participation and democratic supervision.	Promoting democratic participation and supervision (<i>minzhu canyu</i> and <i>minzhu jiandu</i>)
The fifth five-year plan	2006-2010	Citizens are expected to study law and respect the authority of law, as well as to exercise rights and fulfill obligation in accordance with law.	Promoting social harmony and stability; preventing/lessening social conflicts; and strengthening the concept of abiding by law.

³⁹ It is noteworthy that the central state rebalanced the weights of the two discourses in the fifth five-year plan (2006-2010). As I stated in Chapter 2, the political climate became more conservative after the Hu Jintao-Wen Jiabao administration proposed the agenda of building a harmonious society in the Fourth Plenum of the 16th Central Committee in September 2004. The fifth five-year plan elevated the discourse of abiding by law, strengthening the role of law as an instrument to sustain social stability.

Analysis of the *People's Daily* articles for 1976-2010 confirms that laws governing the economic life of ordinary citizens contributed to the rise of the discourse of rights. I analyze articles in the *People's Daily* with “rights protection (*weiquan*)” in the title and examined the kind of rights or interests that each article was addressing. Most of these articles introduce laws and rights, provide information about legal assistance, or report how rights are strengthened, protected or not realized in concrete cases. Figure 3-3 shows that 68.4% of the 342 articles with “rights protection” in their title address issues of labor rights (34.2%), consumer rights (24.7%), and economic loss (9.5%). I further stratify cases into two groups, 1976-2000 and 2001-2010, to see when this trend became salient. Figure 3-4 indicates that there were only 59 cases with “rights protection” in their title in 1976-2000; in addition, rights related to economic life were not dominant in these articles. The situation, however, became very different in 2001-2010 (Figure 3-5). Articles with “rights protection” in their title rose from 59 to 401. In total, 75.1% of these articles address issues of labor rights (38.3%), consumer rights (26.6%), and economic loss (10.2%). It is clear that with the enactment of laws closely related to ordinary citizens' economic lives, the discourse of rights rose tremendously.

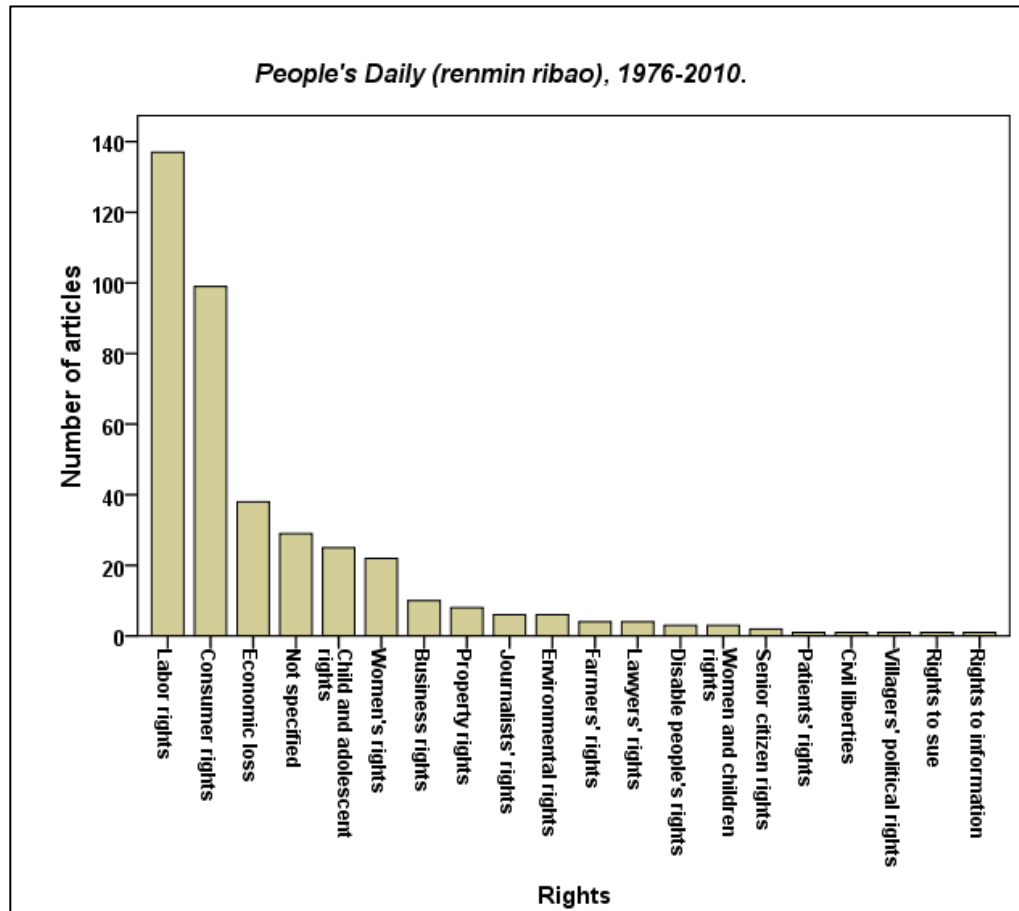


Figure 3-3: Category of rights in the *People's Daily* (1976-2010).

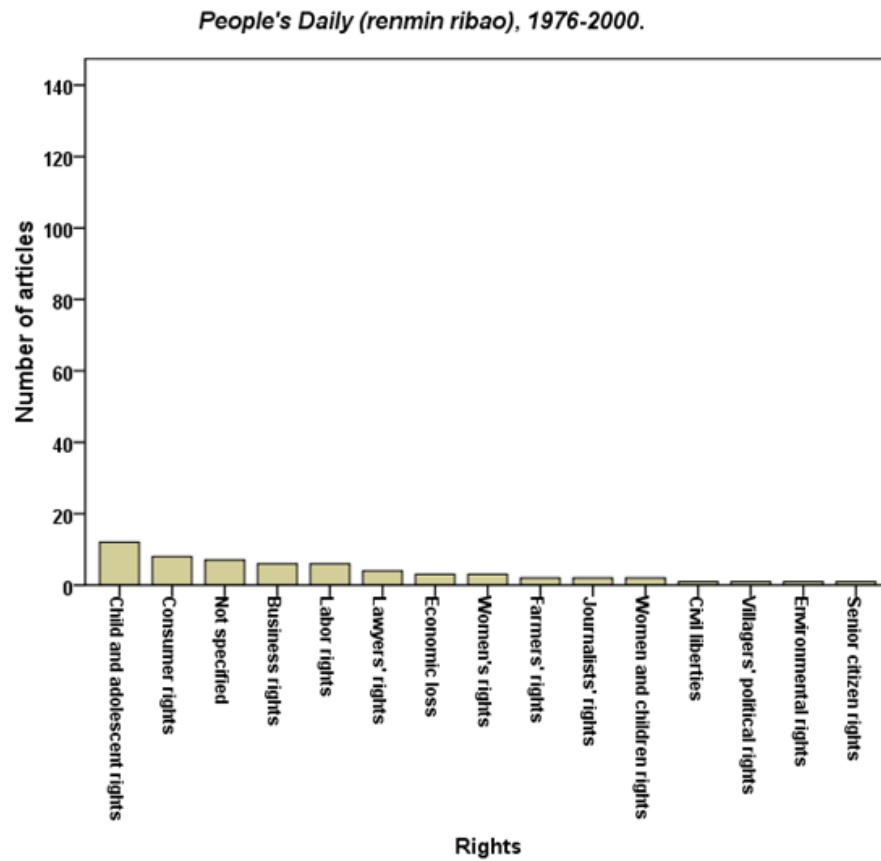


Figure 3-4: Category of rights in the *People's Daily* (1976-2000).

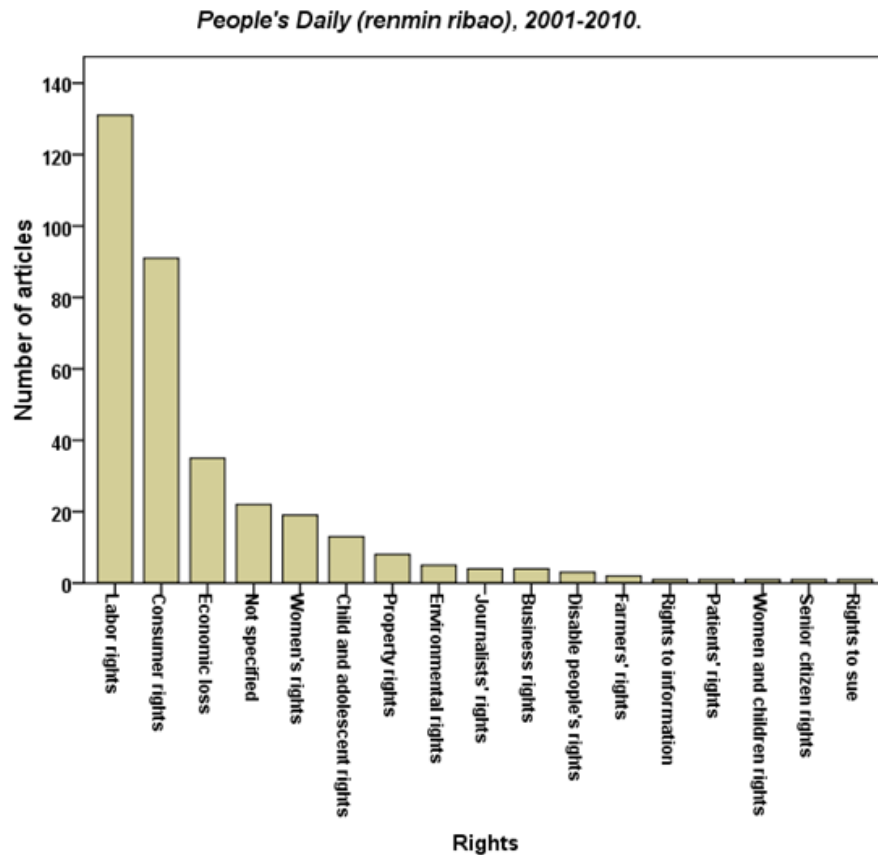


Figure 3-5: Category of rights in the *People's Daily* (2001-2010).

The emergence and widespread acceptance of a symbolic structure based on laws and rights in China is also associated with an absence of strong competitors. Scholars often point out that a dominant ideology has been lacking since the demise of the communist ideology (Goldman 2005; Pei 2006:42, 157-8; Zhao and Lin 2008:95-98). Indeed, communist ideology seems to have become increasingly weakened since Chinese leaders adopted the market economy to rescue the CCP's legitimacy. In addition, national sentiment cannot be mobilized to deal with most of the domestic problems that upset Chinese citizens, although such sentiment does sometimes emerge in China's public

forums. In such a context where a dominant ideology is absent, the symbolic structure based on laws and rights has become the only platform and shared medium or language for public dialogue.

3.3.4. The Role of the Media in Disseminating the Discourses of Law and of Rights

It was leaders in the central state who decided China's return to law, rebuilt China's legal institution, and initiated law dissemination campaigns; however, it was the media that was the most important actor in truly making law and the concept of rights part of the public discourse and imagination. Media and news outlets are a critical part of Chinese people's daily life. A representative survey conducted in Shanghai in 2002 shows that 72% of respondents said that the major topics in their everyday chat were related to news disseminated by the media; in comparison, only 13.2%, 5.1% and 4.0% of their topics of conversation were derived from what they heard from their family and friends, from their working units, or from their neighborhoods, respectively.⁴⁰

As I mentioned, several laws closely related to the economic life of ordinary citizens were passed in the mid-1990s. But importantly, the period between 1992 and 1998 was marked not only by the Chinese state's accelerated law-making, but also by the government's restructuring the media field and marketization of Chinese media. The purpose was to strengthen media's capacity in making revenues without relinquishing the state's control over them. When the Chinese government completed the task of restructuring Chinese media, especially the press, in 1998,⁴¹ the Chinese government

⁴⁰ *China Journalism Yearbook*, 2002, p.399.

⁴¹ *China Journalism Yearbook*, 1999, p.76-77.

owned media which were good at not only making profits but also conducting propaganda. The co-maturation of China's legal and media systems around 1998 was not a coincidence; rather, it was the conjoined result of the Chinese state's efforts to join the WTO in 2001 and to prepare for the challenge in the post-WTO era.

As both market players and propaganda organs, Chinese media have managed to satisfy the demands of both the authoritarian state and consumers. On the one hand, since the Chinese state has firmly controlled the media by monitoring journalists, media organizations and content, media cannot survive without meeting the political demand of the state. On the other hand, media could not continue to exist without making revenues once the Party-state pushed them into the "cultural commodity market" and asked them to be responsible for their own finance (Zhao 2000b). Although the demands of the market and of the Party-state are not always congruent, most media in China manages to satisfy market demand without stepping out of the political safety zone (Lee 2000; Stockmann and Gallagher 2011; Zhao 2004).

The Chinese state demands that the media disseminates law as part of their propaganda work. Peng Zhen, the Chairman of the Standing Committee of the Sixth National People's Congress, told journalists in 1984 that helping people know, understand, and abide by law is media's mission.⁴² Indeed, the five-year law dissemination campaigns since 1985 were jointly supervised by the Propaganda Department and the Ministry of Justice. The former is the highest Party organ that administers ideology, enforces censorship, and regulates media. The Propaganda Department has repeatedly demanded

⁴² *People's Daily*, 12 May 1984.

that media disseminate law in innovative ways to catch the audience's attention and effectively place law in the hands of the populace.

Chinese citizens have also expressed a demand for information related to law and legal issues. Media practitioners have been well aware of this demand and have attempted to satisfy it. In fact, the Chinese media began probing the demand of readers and audience in the early 1980s, partly due to the call for media reform and partly due to the pursuit of advertisement revenue.⁴³ Chinese media started to use survey methodologies systematically to gauge the needs and interests of its readers and audience since 1982.⁴⁴ Surveys show that access to media was already quite high in the early 1980s. In Beijing, 96.9%, 92.3% and 81.1% of the residents above 12 years old listened to radio, watched TV, and read newspaper, respectively, in 1982.⁴⁵ In Zhejiang, where 77.9% of the residents were peasants, 96.5%, 75.1% and 67.3% of the residents above 12 years old listened to radio, watched TV, and read newspaper, respectively, in 1983.⁴⁶ Surveys that were conducted by Chinese media from the mid-1980s to 2000s consistently find that readers have a keen interest in and demand for news reports that uncover corruption and other illegal practices, speak on behalf of citizens about their problems and concerns, spread legal knowledge, and report legal cases.⁴⁷

⁴³ After the end of the Cultural Revolution, newspapers resumed advertising in 1983. *China Journalism Yearbook*, 1999, p.372.

⁴⁴ *China Journalism Yearbook*, 1983, p.247.

⁴⁵ *China Journalism Yearbook*, 1983, p.251.

⁴⁶ *China Journalism Yearbook*, 1984, p.251.

⁴⁷ *China Journalism Yearbook*, 1983, p.244-245; *China Journalism Yearbook*, 1985, p.123; *China Journalism Yearbook*, 1987, p.180, 182; *China Journalism Yearbook*, 1992, p.229; *China Journalism*

Direct diffusion of law and the concept of rights in the form of positive propaganda

The demands of the Chinese state and Chinese citizens on media are similar but not identical. As Stockmann and Gallagher (2011) point out, the Chinese state emphasizes propagandizing positive aspects of the legal system, that is, the accomplishment of the state in protecting citizen's rights. The CCP leaders learned an expensive lesson about the detrimental consequences of watchdog journalism on the CCP's rule from the 1989 Tiananmen incident. Party leaders accused journalists and reformists in the Party who promoted press freedom and watchdog journalism of being counter-revolutionary.⁴⁸ The Party-state accentuated the imperative of "positive propaganda" after the Tiananmen incident.⁴⁹ As reports on legal issues were sometimes associated with negative aspects of the society, the central government issued a notice to newspapers specializing in legal news in 1995, requiring journalists to abide by the principle of "positive propaganda" and focus on dissemination of legal knowledge.⁵⁰

To fulfill the task of law dissemination, as desired by both the state and their audience, media disseminate legal knowledge and the concept of rights by explaining laws in lay terms, reporting real legal cases, providing information about legal aid, and answering readers' questions. Chinese media at both national and local levels have produced many

Yearbook, 1997, p.412; *China Journalism Yearbook*, 2001, p.363, 367; *China Journalism Yearbook*, 2002, p. 398.

⁴⁸ The CCP General Secretary Jian Zemin particularly singled out journalists who worked at the central government level media, blaming them for their spreading polluted ideas of bourgeois liberalization. See *China Journalism Yearbook*, 1990, p.1-2 and 9.

⁴⁹ *China Journalism Yearbook*, 1990, p.6; *China Journalism Yearbook*, 1995, p.20-21.

⁵⁰ *China Journalism Yearbook*, 1990, p.20-21.

popular legal columns and programs.⁵¹ Media also pay attention to the effect of their law dissemination. As mentioned, there were criticisms inside the Party-state about the overemphasis on criminal law and neglect of law's relevance in everyday life. Media outlets recognized this problem and shifted more weight to legal knowledge closely related to the commodity economy, so that citizens could learn how to participate in the emerging market economy using law.⁵² Studies of Chinese people's legal consciousness based on survey data show that the media (TV, newspaper and radio) is the primary means through which Chinese people know and understand law. Media's significance is much higher than activities organized by the governments in law dissemination campaigns, and higher than information received from acquaintance or from legal education at school (Zhao 2006; Zheng 2007).⁵³ In addition, scholars find that Chinese media is effective in propagandizing citizens' legal experiences through producing convincing and sophisticated news. Readers thus see law as a realm for dispute resolution and rights protection (Stockmann and Gallagher 2011).

Representative survey data results also show that Chinese people's legal consciousness has been strengthening over time, and is higher than public legal consciousness in many other East Asian countries. Although China was still in a lawless situation in 1976 and has been governed by an authoritarian state, Chinese people now strongly demand the state to follow the law. In a survey that asked respondents' opinion about whether the government can disregard the law for policy consideration, 33.02 % of

⁵¹ *China Journalism Yearbook*, 1988, p.20; *China Journalism Yearbook*, 1989, p.24; *China Journalism Yearbook*, 1992, p.23.

⁵² *China Journalism Yearbook*, 1988, p.20; *China Journalism Yearbook*, 1992, p.23.

⁵³ *China Journalism Yearbook*, 2004, p.331.

Chinese respondents expressed disagreement in 2006 (the 2006 Chinese General Social Survey). The rate of disagreement rose to 55.2 % in 2008 (the 2008 Asian Barometer). By comparison, only 33.5 %, 36.4 %, 42.6 %, and 53.2 % of respondents in Thailand, Singapore, Vietnam, and Cambodia, respectively, disagreed that government can disregard the law to handle difficult situations. Among the 9 countries in the 2005-2008 Asian Barometer survey, only Taiwan (68.1%), Indonesia (68.4%), and the Philippines (60.7%) have a higher disagreement rate than China. The evidence presented in this and the previous paragraphs thus suggests that a symbolic structure based on laws and rights has penetrated the Chinese society through the media's diffusion legal knowledge and the concept of rights.

Indirect diffusion of law and the concept of rights in the form of mild "supervision by public opinion"

Media diffuses law directly through "positive propaganda," but it also diffuses law and the concept of rights indirectly in the form of mild "supervision by public opinion," which is the Chinese version of watchdog journalism officially created by CCP General Secretary Zhao Ziyang in 1987. When exercising mild "supervision by public opinion," media use laws and exercise rights to criticize illegal practices or question the non-fulfillment of rights.⁵⁴ This type of law diffusion is beyond media's task in the law dissemination campaigns and is mainly a response to citizens' demand. As I have stated, surveys conducted by Chinese media consistently find that audiences want news that uncovers illegal practices, particularly corruption, and that reflects citizens' problems. At

⁵⁴ *China Journalism Yearbook*, 1985, p.19.

the same time, however, this demand for problem-detecting and problem-solving has been problematic for Chinese state given the state's demand for "positive propaganda" and its concerns about "supervision by public opinion" in the aftermath of the Tiananmen incident.

As stated in Chapter 2, the term "supervision by public opinion" first appeared in the official discourse after CCP General Secretary Zhao Ziyang emphasized its importance as part of his political reform agenda at the 1987 Thirteen Party Congress. Zhao's emphasis on "supervision by public opinion" and his initiation of political reform was a response to over-concentration of power and widespread corruption in China's transition to market economy. The CCP's reformists derived the concept of "supervision by public opinion" from the first sentence of the Article 41 of the Constitution, which states that "citizens of the PRC have the right to criticize and make suggestions regarding any state organ or functionary." Article 41, as a whole, is referred to as the citizens' "rights of supervision." Along with other forms of supervision, citizens' "rights of supervision" are designed to check the Party-state.⁵⁵ By "supervision by public opinion," Party reformists mean that citizens formulate public opinion through the mediation of media and thereby exercise their "rights of supervision."⁵⁶ In 1987, the former Vice Secretary-General of the Standing Committee of the National People's Congress, Wang Houde, said that media should combine *facts* and *law* when conducting "supervision by public opinion."⁵⁷ Since media is operated by the Party and "owned" by Chinese people, "supervision by public opinion" is a check of the state on behalf of both the Party and Chinese citizens. Critical aspects of

⁵⁵ These forms of supervision perform a similar function as the system of checks and balances in liberal democracies.

⁵⁶ *People's Daily*, October 19 1987.

⁵⁷ *People's Daily*, January 2 1988.

“supervision by public opinion” include watching whether legislative organs properly enact law, whether the state follows the law, and whether citizens’ rights are protected.⁵⁸

After reformist Zhao Ziyang stepped down in wake of the Tiananmen incident, his political reform agenda was abandoned by the newly constituted Party leadership. Yet, party leaders were not able to negate Zhao’s formulation of “supervision by public opinion” and the practice of critical reports, given their grounding in the constitution and the CCP tradition.⁵⁹ Instead of denying “supervision by public opinion” and critical reports, CCP leaders have asserted that journalists should not conduct incorrect or inappropriate critical reports and “supervision by public opinion.”⁶⁰ Ultimately, it is CCP leaders, not journalists or citizens, who retain the power to determine what is correct and appropriate.

The central state began to promote “supervision by public opinion” around 1998, after it completed the dual tasks of restructuring media by concentrating the market, and of making regulations to manage journalists, media organizations, and media content.⁶¹ A concentrated market structure composed of regional conglomerates made it easier for the government to regulate market players, and to defend the encroachment of foreign capital in the post-WTO era (Zhao 2000b). With disciplined and centralized media, the central government officials felt that they were able to capitalize on the political and economic benefits of “supervision by public opinion” without losing the state’s control. Politically,

⁵⁸ *People’s Daily*, October 19 1987.

⁵⁹ The CCP announced the “Decision on Unfolding Criticism and Self-criticism in Newspaper and Magazine” in 1950, encouraging citizens to criticize the Party’s mistakes and shortcomings, and Party members to conduct self-criticism in newspaper and magazines.

⁶⁰ *China Journalism Yearbook*, 1990, p.9-10.

⁶¹ *China Journalism Yearbook*, 1999, p.27.

the central government still needed media and citizens to watch the corrupted local officials. In addition, the idea of “supervision by public opinion” remained popular among the people. And economically, the government profited when media attracted an audience. At the Fifteenth Party’s Congress in 1997, CCP General Secretary Jiang Zemin asserted the need to integrate inside-Party supervision, supervision of law, and supervision by citizens, as well as the need to strengthen “supervision by public opinion” in order to prevent abuse of power. In 1998, the President of the Supreme People’s Court, Xiao Yang, and the Premier, Zhu Rongji, all encouraged “supervision by public opinion.” When talking to the editors-in-chief of several core newspapers at a conference in 1998, the Vice Minister of the Propaganda Department, Xu Guangchun, expressed that the Party used to be concerned about “supervision by public opinion,” but now encouraged it. Media should strengthen democratic supervision and use law, regulation, and Party policy as the standard to conduct such supervision.⁶² Thus, as long as journalists follow the Party-state’s policy and do not threaten the Party-state’s control, they can conduct “supervision by public opinion.”

Facing consumers’ demand and the state’s *qualified* approval, as well as possible legal liability such as libel, most media practitioners produce only mild critical reports and “supervision by public opinion,” in keeping with the instruction of the government. Furthermore, in most situations, journalists do not specify wrongdoers. When the objects of “supervision by public opinion” are singled out, they are more likely to be ordinary citizens than cadres, private businesses than government agencies, and lower-level cadres than higher-level ones. Additionally, the cases are more likely to be non-local than local ones

⁶² *China Journalism Yearbook*, 1999, p.4, 5, and 27; *China Journalism Yearbook*, 2000, p.129.

(Chan 2002; Zhao 2004).⁶³ Yet, media do attempt to identify unlawful practices and problems with rights protection, within safe limits. In 1999, there were already more than 60 TV programs and 31 newspapers conducting “supervision by public opinion.”⁶⁴ “Topics in focus” (*jiao dian fang tan*) of the China Central Television (CCTV) is an exemplar. It has been among the top three most popular TV programs in China.⁶⁵ Letters from audience members have provided important sources of information for journalists to uncover illegal practices and non-fulfillment of rights.⁶⁶ Disputants who have trouble addressing their problems using administrative or judicial channels often appeal to media to restore their rights.⁶⁷ Some media even have “rights protection journalists” specifically in charge of citizens’ disputes and complaints.⁶⁸ The term “cost of rights protection” emerged among local newspapers around 2000.⁶⁹ It was then spread to the *People’s Daily* – the most important national-level newspaper – in 2002.⁷⁰ The phrase is used critically by journalists to refer to the difficulty, especially the unaffordable costs, for citizens to recover their rights. Most criticisms consider the hardship that workers, consumers, and home owners face in the long journey to realize their rights. News reports also point out the obstacles for

⁶³ *China Journalism Yearbook*, 2000, p.131.

⁶⁴ *People’s Daily*, 3 March 1999.

⁶⁵ *China Journalism Yearbook*, 1997, p.401.

⁶⁶ *China Journalism Yearbook*, 1984, p.4.

⁶⁷ *Beijing Youth Daily*, 10 July 2001.

⁶⁸ *Yangzi Evening News*, 20 November 2004.

⁶⁹ For instance, *Beijing Youth Daily*, 14 March 2001; *Beijing Evening News*, 30 July 2000; and *Jin Evening News*, 17 November 2001.

⁷⁰ *People’s Daily*, 18 March 2002.

ordinary citizens to sue the government.⁷¹ Another new term, “Chinese style of rights protection”, appeared in a few newspapers in 2004. This term was coined by a Chinese citizen and used by journalists to generalize the painful experience that Chinese citizens have when trying to pursue their rights. These experiences often include being kicked out of a variety of government agencies.⁷²

Law, rights, and a sense of the public

Most scholars of Chinese media tend to evaluate the political implications of media marketization in China conservatively, due to the firm control of the Chinese state and media’s continuing role as the state’s mouthpiece (Chan 2002; Lee 2000; Zhao 2000b). I argue, however, that the media has made two significant contributions in establishing China’s public and counterpublic spheres. First, media has made Chinese law a penetrative medium. It is through the media’s dissemination of law and the concept of rights to Chinese citizens that a newly established symbolic structure based on laws and rights has been established within only three decades since the end of the Cultural Revolution. The top-down and one-directional law dissemination process has familiarized citizens with the language of law and rights, and led to the rise of legal and rights consciousness. So that, regardless of how the law might actually operate in reality, citizens feel, nonetheless, that they have rights according to the law and that even the government is subjected to law.

Second, media has made Chinese law an integrative medium. By formulating public discourse in terms of correcting unlawful practices and enhancing the protection of citizens’

⁷¹ For instance, *Beijing Youth Daily*, 11 June 2001.

⁷² *Chengdu Business Times*, 9 December 2004; *Yangzi Evening News*, 8 December 2004; *Southern Weekly*, 23 December 2004.

rights, the media reveals the *public* relevance of law and rights. This indirect dissemination of law and the concept of rights is two directional. Chinese media not only diffuse a top-down legal order that bestows citizens with individual rights, but also reflect common problems on the ground in a standardized language based on laws and rights. As I will demonstrate in Chapter five, when the media discusses various societal problems using the language of law and rights, the symbolic structure based on laws and rights established by the central government gives Chinese citizen similar expectations for their lives, and serves as a medium for them to develop a sense of the public or the collective. The standardized language of law, disseminated by media, facilitates Chinese citizens' ability to see the commonality of their ostensibly unrelated individual experiences and problems.

3.4. DISCUSSION

To summarize, the establishment of a nationwide symbolic structure based on laws and rights in China is the result of a decisive state intervention to address the CCP's legitimation crisis in the aftermath of the Cultural Revolution. To attain stability, unity, and modernity, the Chinese state, to a large degree, replaced the symbolic structure based on class relationship and class struggle with a new structure based in law. Since this intervention was conditioned by the global market economy, Chinese law related to the economy, both on the books and in practice, was linked with its counterparts in other countries, and shaped by international law, in which the concept of rights is a critical element. To make law work, the Chinese state diffused law and the concept of rights through two overlapping mechanisms – political campaigns and media communication. Chinese media diffused law and the concept of rights to fulfill their obligation as the

state's mouthpiece and to satisfy their audience's demand for legal knowledge. Chinese media also responded to market demand for critical reports by conducting mild "supervision by public opinion," which was institutionalized by the reformist leaders who stepped down due to the 1989 Tiananmen protests. While operating within the politically-designated safe zone, media nonetheless formulated public discourse to criticize illegal practices and the non-fulfillment of rights, standardizing variable problems in the shared language of law and rights. The media's role – that which was mandated as part of the law dissemination campaigns, and that which went beyond such campaigns – not only served to diffuse the symbolic structure based on laws and rights, but also created a sense of the public among China's citizenry.

Juxtaposing the Chinese case with the European cases and the U.S. case, we see variable relationships between market, society, state, and the medium of the public sphere. In the United States, where the best-known weak state governs, the robust society played the most critical role to the development of the cultural grid in the public sphere. According to Habermas's finding, market and family contributed most to the medium of the public sphere in the European cases. When we move away from contexts in which a weak or a non-interventionist state governs, the consequences of overlooking the role of the state vis-à-vis the public sphere is problematic. Therefore, as Eley (1992:19-20) suggests, there is a need to draw upon literature on the state in order to complement a Habermasian framework, particularly when expanding our gaze to non-Western contexts.

Drawing on Colin Hay's theory of crisis and the structural transformation of the state, I illustrate an alternate relationship linking market, society, state, and the medium of the public sphere. I show that an authoritarian state can contribute to the emergence of the

public and counterpublic spheres, by establishing a symbolic structure based on laws and rights that penetrates society. Precisely because the Chinese state is a capable authoritarian state, it can build a legal system that would take much longer to develop in other contexts.⁷³ It can also mobilize the state apparatus to increase the penetrative power of law. The reconstituted and highly unified CCP leadership after the end of the Cultural Revolution did not intend to rebuild China's legal system for the purpose of establishing a public sphere. Law was meant to be used as an instrument for the state to achieve stability, unity, and modernization.

Nevertheless, as Sewell (2005:56) has noted, even centralized and able institutional actors may not be able to control coherence in cultural practice. The Chinese state became less unified and more porous with the unfolding of economic reform and the accumulation of contradictions in the reform process. The state was also subjected to new constraints by its own creation of the market and its pursuit of market profits. The emerging interstices within the state apparatus over time and its increasingly diverse goals transformed the law beyond the mere instrument meant to achieve the state's original purposes. For instance, disagreement within the Party-state over the focus of law dissemination campaigns aided the spread of the discourse of the rights. To construct and facilitate the market economy, the state needed to educate citizens that the law is a tool to protect their rights. Also, the institutional creation of the CCP reformist leaders in the late 1980s produced a condition for law and rights to play a central role in formulating public opinion, even after some of the

⁷³ As Habermas describes the European legal history, although by the second half of the eighteenth century modern private law had in general removed controls on contract, labor, property, trade, etc., it then took another hundred years for the development from the status to contract and the establishment of the capitalist mode of production. Habermas, Jürgen. 1989. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Cambridge, MA: MIT Press.

reformists were purged for being “counter-revolutionary.” In addition, despite being a mouthpiece of the state, Chinese media were also thrust into the emerging “cultural commodity market” and thus subject to market logic and the demands of an audience hungry for information about the law and its relevance to their lives. Though still constrained by the state, journalists now had more motivation and room to uncover illegal practices and to criticize the non-fulfillment of rights protection. When law has become not only a weapon of the state, but also a weapon of the people potentially against the state, how the state can use the law to solve legitimization crises presents a dilemma. If the state does follow the law, it will lose part of its monopoly on power; but if it does not follow the law, it will arouse public criticism.

The Chinese case also illustrates the role of law vis-a-vis the public sphere. In the European cases, private law ensured private autonomy, thus enabling private people to develop the capacity to conduct rational-critical argument. As I have shown, the Chinese state constructed its market economy partly by codifying laws related to the economy. The reason that these laws have contributed to the emerging public and counterpublic spheres in China is not because they bracket off the intervention of the state and guard private autonomy. Rather, it is because the growing body of laws made the state responsible for a variety of problems that stem from the failure of these laws. And laws related to the economy – in which rights play a critical component – have given Chinese citizens a sense of entitlement and rights consciousness, and raised their expectation that the state should ensure the enforcement of law and the realization of rights.

Moreover, the Chinese case also demonstrates how and why “undemocratic law,” imposed from the top, with little foundation from the bottom, can nonetheless become a

penetrative and integrative medium that constitutes public and counterpublic spheres. In the Chinese case, several conditions make law penetrative and integrative. The first condition is the component of rights in law, because such law induces a sense of entitlement and rights consciousness. As stated, China's decision to join the global market economy made it almost impossible for Chinese law to avoid rights as a component in law. The second condition is that the state enacts many laws that are related to critical aspects of life for ordinary citizens, particularly the economy. Few Chinese people care about political rights, and even fewer would like to become political dissidents, but most of them are concerned with their economic self-interests. The third condition is effective law dissemination, which tells citizens about the law and their rights. As the Rule of Law Index shows, the Chinese government performed excellently in this respect. The fourth condition is a widely perceived failure of law enforcement or rights protection. The condition is often satisfied when communication institutions are able to broadcast such failure. The first three conditions have led to a Chinese version of the "myth of rights," despite of the lack of a prevalent concept of natural rights in China. The fourth condition has been met now that law and rights have become a standardized language for citizens across strata to talk about important problems in China. It has also made citizens recognize that many of their problems are not individual, but systematic, and that the state has a responsibility to deal with the promises made by the discourse of law. In the 2011 Rule of Law Index conducted by the World Justice Project, China was ranked the 27th out of 67 as an "open government," but it was ranked the 44th in terms of legal enforcement, and 65th in terms of protection of fundamental rights. The disjuncture between rights promised and rights protected may not necessarily constitute a threat to regime stability, but it does provide a language and a

framework for citizens to generalize beyond their individual experiences to broader societal problems. The Chinese case thus demonstrates that “noncivil purposes and effects of law do not exhaust what law is about” (Alexander 2006:152), even in an authoritarian context.

Finally, it is noteworthy that the coexistence of the above four conditions is far from guaranteed. The second and third conditions may not be satisfied in authoritarian countries without capable states, such as in many African and Latin American countries. The third condition is not satisfied if an authoritarian state keeps its promise most of time.

Chapter 4

Freeing the Press: How Field Overlap Explains Critical News Reporting in China

In Chapter 3, I detailed why and how the Chinese state established a symbolic structure based on laws and rights that penetrates Chinese society. In this chapter, I examine how unintended consequences of this process facilitated the production of critical news reports – reports that identify fundamental societal problems, analyze their causes, and search for solutions¹ – and the formation of social networks associated with critical news reporting. As I stated in Chapter 2, despite the Tiananmen incident, with the deepening of economic reform, China’s political climate became relatively less conservative in the period between 1998 and 2004, though the fundamental political reforms considered in the late 1980s have yet to return to the CCP agenda. The less conservative political conditions and the process of media marketization gave Chinese media the opportunity to produce critical reports examining people’s economic rights and the state’s failure to fulfill them. In this chapter, I will show how a few newspapers were able to appropriate this opportunity to produce critical news reports that discussed even more fundamental societal problems in China and promoted political rights and agendas,

¹ The news media are expected not only to uncover problems, but also to help the public analyze those problems and come up with solutions. These practices are broader than what is conventionally referred to as “watchdog journalism,” as the latter only focuses on fact-finding, especially facts regarding illegal practices.

despite ongoing state censorship. Understanding the production of critical news reports is important for two major reasons. First, critical news reporting is indispensable for an effective public sphere. Second, as I will demonstrate in Chapter Five, political culture and social networks associated with critical news reporting have greatly influenced the structure of China's emerging online sector, as well as the emerging oppositional discourse. This chapter thus aims to explain critical news reporting in China.

In normative theories of democracy, the news media are expected to produce critical news reports because such reports facilitate the function of an effective public sphere (Gurevitch and Blumler 1990; Habermas 1989; 1996; 2006; Peters 2008). In liberal democracies, scholars and the general public often demand critical news reports so that citizens are able to discuss shared problems and participate in politics effectively (Graber 2003). This public deliberation and participation helps to strengthen civil society and deepen representative democracy. In authoritarian contexts, the news media are often expected by scholars to constitute counter publics, spur political transformation, and reshape the state–society relationship (Ojo 2007; Olukotun 2002). Indeed, this relationship between media and the public is considered by many to be at the heart of democracy and democratization.

In reality, however, a gap often exists between the media's normative role and its actual practices, even in developed democracies. Media practices are often unduly influenced by political and economic power. Even in advanced democracies where freedom of speech and freedom of the press are protected, the media do not always report on social problems. Actors in civil society need to vie for the attention of the mass media

to pursue social movements and advance social change. Thus, in such democratic contexts, scholars and commentators often criticize the media for failing to advance deliberation and deepen democracy (Bourdieu 2001; Fallows 1996; Gans 2003; Habermas 1989; Mills 1956).

Not surprisingly, this situation is exacerbated in authoritarian contexts. Here, pointing out the systematic roots of problems is often considered to be threatening and oppositional to the state. Faced with censorship and other forms of political control, media professionals in authoritarian contexts take huge personal and political risks even when they attempt to discuss certain social problems, let alone when they explicitly criticize the government. It is not uncommon for journalists in authoritarian countries to be punished by the government for engaging in critical news reporting.

China exemplifies an authoritarian country with unfavorable conditions for critical news reporting. China is consistently ranked as one of the countries with the least freedom of press and freedom of speech by Freedom House and Reporters Without Borders.² With pervasive censorship, critical news reporting is often discouraged, if not completely suppressed, in China. After the 1989 Tiananmen crackdown, the government highly restricted reports that referred to systematic problems because Chinese leaders argued such news was to blame for sparking the Tiananmen protests and threatening the Party-state's legitimacy. In addition to denouncing such "negative" reports, the Chinese state strengthened its request for "positive propaganda," whereby journalists were asked

² According to Reporters Without Borders, China is the world's biggest prison for journalists, bloggers and cyber-dissidents. "World Report – China," Reporters without Borders, accessed April 10, 2013, <http://en.rsf.org/report-china,57.html>.

to report the achievements of the Chinese Communist Party (CCP) and to emphasize the “bright side” of the news.³ Furthermore, similar to their counterparts in liberal democracies, Chinese media are subjected to economic pressures as well. With the expansion of China’s market economy, scholars find that economic power has corrupted the country’s news content. Individuals and businesses can use money to forestall unfavorable coverage and obtain favorable coverage instead (Zhao 1998; 2000c). Thus, Chinese media are described as remaining “aloof to the democratic impulse in the society” (Pan 2010:185) and attempting to “avoid a critical interrogation of the broader social and economic structure” (Zhao 2004:63).

Yet, despite these overwhelming pressures, some Chinese news media do manage to produce critical news reports. In an article comparing Chinese and Western media, for example, Zhao and Lin (2008) call attention to the democratic role of Chinese media. Despite the unfavorable political environment, certain Chinese media, especially newspapers, have attempted to resist state control and produce critical news reports – sometimes provoking, in turn, a government crackdown (Qian 2008). Such reporting is still relatively infrequent, however, and unevenly distributed within the country, prompting the question that this chapter aims to address: When and why are some media in China able to produce critical news reports?

So far, there have been only limited efforts to examine when and why Chinese news media differ with regards to critical news reporting. Existing studies point out the existence of two exceptional Chinese news media famous for investigative practices: the

³ *China Journalism Yearbook*, 1990, p. 6; *China Journalism Yearbook*, 1995, pp. 20-21.

China Central Television (CCTV), the national state television broadcaster; and the *Southern Weekly*, a weekly newspaper based in Guangdong. Scholars suggest that two factors explain why these media are or were able to report on problems. First, these media individualize and localize problems without delving too deeply into their roots. As such, these forums avoid linking said problems to the failure of the regime or the central leadership in any way. Second, these news media are or were sheltered by certain government agencies. CCTV is affiliated with the central government and, thus, permitted to criticize local governments and private businesses, while the *Southern Weekly* was protected by provincial government officials (Pan 2010; Zhao 2000c; 2004).

Despite their merits, existing studies leave many questions unanswered. First, the question of whether Chinese news media are totally silent on fundamental problems remains contested, even in existing studies. Second, little data exists about how journalists resist political logics of the authoritarian state at the micro-level. Existing research has not investigated, for example, where journalists obtain resources for critical news reporting, beyond a few state agencies. Most news media do not have CCTV's privilege. In addition, even when individual officials sympathetic to journalists do exist, the tenures of those officials are unpredictable, and there are always other government officials who are more likely to retaliate against critical reporting. Third, we still know little about how micro-level media resistance is enabled and constrained by structural conditions. Fourth, with a paucity of data about news media other than CCTV and the *Southern Weekly*, it is difficult to examine and explain differences among news media. These limitations make clear the need for further examination of critical news reporting in China, which this

chapter pursues through a comparative study of five newspaper organizations in four localities in coastal China.

The study examines newspapers rather than other media for two reasons. First, newspapers play a crucial role in critical reporting. Despite the existence of other media and various technological advances favoring competing forms, newspapers remain an important source for citizens to access information and analysis about social problems in China. As print media, newspapers have more space to analyze societal problems and discuss solutions in depth than television and radio. Newspaper reports are also widely disseminated on the Internet. And while the process of "printing" newspapers has increasingly moved exclusively online, the popularity of news sites speaks to the continued demand for textually-based coverage.⁴

Second, the complexity of the newspaper field also renders the study of Chinese newspapers fruitful for investigating the relationships between structural conditions and critical news reporting. Despite the turmoil that followed the 1989 Tiananmen incident, the Chinese government accelerated the process of media marketization since 1992. In the past, newspapers were subsidized by the state and expected simply to serve as mouthpieces of state propaganda. In 1992, the Chinese state officially categorized the news industry as part of the service industry. The government also began drastically reducing its funding of newspapers, forcing newspapers to rely on advertising and sales to

⁴ For Chinese Internet users, a major source of news is from Internet portals – companies like Yahoo in the United States. Although Internet portals provide news service, they are not legally permitted to produce news regarding political, social, and economic issues. As a result, these portals rely on newspapers to provide the content of news services.

survive (Lee 2000; Zhao 1998). As a result of this process of media marketization, although newspapers are still state agencies responsible for propaganda, they are also (and increasingly) market actors that must attract readers. Furthermore, the marketization of newspapers has spurred the growth of a professional journalist community in China, even though the profession as a whole is still far from independent (Hassid 2011; Pan and Chan 2003). As a consequence of these developments, political, market, and professional power and logics all influence news production. Importantly, newspaper organizations, regulatory agencies, and the journalist community are situated differently in relation to one another across localities (Lee, He, and Huang 2007; Zeng and Huang 2012). This heterogeneity provides a rich setting for exploring critical news reporting through comparative study of newspaper organizations.

Building upon the literature on field overlap (Edelman et al. 2010; Evans and Kay 2008; Thornton and Ocasio 2008), field theory, and law and resistance, my comparative study of five newspaper organizations reveals the importance of field overlap between the newspaper and legal fields to critical news reporting. With the Chinese state's shift to law as a new mode of domination, the legal field became a critical site providing valuable resources for journalists to produce critical news reports. The Chinese state's use of media to disseminate law further forged a bridge connecting the newspaper and legal fields. I argue that those newspapers that capitalized on this institutional field overlap and more effectively utilized network mechanisms to access resources in the legal field were the most likely to produce critical news reports. This ability, however, was also conditioned by the distribution of political, economic, and professional power in the newspaper field.

In order to make this argument, I begin with a review of the literature on field overlap, law and resistance, and field theory, drawing on the most insightful elements to develop a theoretical framework to explain critical news reporting in China. Next, I consider case selection and data analysis strategy, then I present the results of my empirical analysis in two parts. Using content analysis, I first establish the variation among five selected local newspapers in terms of critical news reporting. Then I draw on analysis of in-depth interview data to explain this variation. In the last section, I summarize the research findings, discuss their contribution to the existing literature, and consider the broader implications of the findings. I end this chapter by discussing the limitations of the research and giving recommendations for further research.

4.1. A FIELD ANALYSIS OF CRITICAL NEWS REPORTING

In this section, I develop a theoretical framework from the perspective of field analysis to address when and why Chinese media produce critical news reports. I begin by discussing how a conventional theoretical framework might present the configuration of political, economic and professional power as influencing news production. Drawing on theories of field overlap, I argue that the conventional framework is unsatisfying as it does not consider the ways in which journalists might mobilize resources outside the media field for critical news reporting. Accordingly, I discuss why and how field overlap mechanisms can facilitate political contention. Then, I consider which fields can provide journalists in authoritarian contexts with valuable resources for resisting political pressure. Drawing on literature on law and resistance, I argue for the critical importance of the legal field to critical news reporting. Finally, I consider the contingent and heterogeneous

aspects of field overlap, theorizing how structural conditions in the media field can impact the process and effects of field overlap.

4.1.1. The Conventional Framework of News Production

Existing studies outline the architecture of the media field and explain news production according to the structural conditions within that field (Benson 2006; Benson and Neveu 2005; Bourdieu 2005; Habermas 1989). According to these studies, the main players in the field are journalists, media organizations, state agencies, advertising buyers, and readers. These actors interact with one another based on a set of common understandings regarding the purposes of the media field, the relationships between actors, and the rules in the field (Fligstein 2001; Fligstein and McAdam 2011).

In this conventional framework, news production is influenced by professional, market, and political logics. As members of a professional community, journalists are subject to professional norms, but they also need to consider the state's regulatory power and media organizations' revenues from advertisers and readers. When journalists make decisions about news production, different logics may contradict one another and influence news content. Political and market logics often compete with professional logics and constitute obstacles to critical news reporting. Institutional factors, such as ownership structure, could impact which logics prevail in news production (Benson and Saguy 2005; Bourdieu 2005; Champagne 2005; Gans 2003; Habermas 1989; 2006; Zhao 1998). In essence, the structural conditions of the media field – how the journalist community is

situated in relation to other actors – impacts the configuration and influence of professional, market, and political logics and, therefore, the content of news.

4.1.2. Field Overlap and Resistance

The above framework of field analysis provides an insightful tool for analyzing news production, but its focus on the dynamics within the media field implicitly assumes the irrelevance or insignificance of other fields on news production. The emerging literature on field *overlap*, however, suggests the importance of analyzing the intersection of the media field with other fields, as the latter may provide critical resources, or what Bourdieu called capital, that enable journalists to resist the undue influence of political and market logics (Edelman et al. 2010; Evans and Kay 2008; Thornton and Ocasio 2008).

Field overlap is a critical structural condition that facilitates political mobilization and contention. When two fields intersect, actors in one field have an opportunity to access and utilize material and symbolic recourse in the other field, thus having more leverage to resist dominant logics and bring about change. Meanwhile, actors and logics in the latter field can have cross-boundary influence on the former field (Edelman et al. 2010; Evans and Kay 2008; Thornton and Ocasio 2008). In this aspect, theories of field overlap echo the contributions of research that points out the structural advantage of boundary-bridging organizations in creating innovative discourse and practice (e.g., Greenwood and Suddaby 2006).

Building on field overlap theories, I suggest that fields overlap through two kinds of non-mutually exclusive mechanisms: *institutional* mechanisms and *network* mechanisms. As one of the earliest sociological studies to explicitly theorize “the architecture of field overlap,” Evan and Kay’s work (2008) illustrates four field overlap mechanisms: rulemaking, alliance brokerage, resource brokerage, and frame adaptation. These mechanisms can, ultimately, be boiled down to institutional and network mechanisms. In the instance of rulemaking, actors in one field can influence the political landscape in another field by making rules that operate in the latter field. Such cross-boundary influence derives from institutional arrangements. In fact, institutions can connect fields in many ways. For instance, institutions can justify the participation of actors in multiple fields. Institutions also define what can be counted as resources or capital and therefore determine the relationship between fields (Bourdieu 1994). Alliance brokerage, resource brokerage, and frame adaptation in Evan and Kay’s study all operate through the same type of mechanism – namely, social network mechanisms. Actors in one field access and employ material and symbolic resource in other fields by forming and using social networks. Importantly, the formation of social networks that bridge fields is a selection process. Actors tend to seek complementary partners that share similar goals, views, or opponents (Jensen 2004; Rucht 2004). Bourdieu’s field theory (1985) suggests actors that occupy dominated positions in their respective fields are likely to form alliances to challenge incumbents.

The main advantage of the more parsimonious classification offered here is that it helps one to understand the under-theorized relationship between different field overlap

mechanisms (Evans and Kay 2008). Institutional and network mechanisms have important differences. Field overlap through institutional mechanisms is a global condition, applying to actors that are bounded by an institution. In comparison, actors have more agency to decide whether they want to bridge fields through network mechanisms. But, despite their differences, institutional and network mechanisms are interdependent. They can shape each other and jointly impact the outcome of field overlap. On the one hand, as institutions provide the rules and incentives for action, institutional mechanisms influence where actors can find resources and how they form social relationships to mobilize those resources. Therefore, identifying institutional mechanisms helps to illuminate the formation of social relationships. On the other hand, networks provide a context through which institutional processes unfold. Network mechanisms can transform the institutions that bridge fields as varying configurations of networks can impact how institutions are understood and operated (Owen-Smith and Powell 2008; Phillips, Lawrence, and Hardy 2000).

4.1.3. The Legal Field and Resistance

Given that field overlap can give journalists leverage and impact news production, the next question to consider is which fields overlap with the media field and provide journalists in authoritarian contexts with critical resources for news reporting. I argue that in China, the legal field plays this critical role. In the legal field, the main actors are lawyers, their professional associations, law firms, legal official, state agencies, and ordinary citizens; the main agenda is the interpretation and application of law (Edelman et al. 2010). The legal field intersects with the media field and provides it with critical

resources to thematize problems and challenge the government given law's multiple institutional characteristics (Bourdieu 1987; Burstein 1991; Edelman et al. 2010; Ewick and Silbey 1991; Habermas 1996; Hunt 1990; McCann and March 1995).

The relevance of the legal field to critical news reporting partly derives from the institutional characteristic of law as a common medium to discuss a variety of issues in society. As Habermas (1996:353-354) pointed out, law is a critical institution that facilitates the operation of the public sphere and the integration of society, as it serves a common language for citizens to identify and talk about problems across different spheres of life. Discussions of social problems and solutions are thus often translated into contestation over the interpretation and application of legal texts and principles (Balkin 2009). As critical reports aim to address societal problems and law is a common language for discussing these problems, the media and legal fields are closely related.

The importance of the legal field to critical news reporting also derives from law's institutional nature as a symbolic resource against the state's power and political logics. The state's use of law as an instrument of domination endows law with this property. Existing research has pointed out the paradoxical and mutually constitutive relationship between domination and resistance. As Merry (1990:7) has stated, "the dominating ideology itself establishes the terms for acts of resistance." Using codified law to govern is a quintessential example of symbolic domination, through which the state imposes a common set of coercive norms (Bourdieu 1987; 1994; Bourdieu and Wacquant 1992:112). But, importantly, symbolic domination is not without cost. The dilemma facing the state is that it cannot reap the benefits of symbolic domination without at least appearing to

subject itself and its political logics to the same symbolic order of law (Bourdieu 1987; Bourdieu 1994)1994). Furthermore, the state does not have complete control over how other actors interpret and employ the law. Law's cultural characteristic as a plastic medium allows actors to develop alternative discourse and thus facilitates political contention. The costs of symbolic domination using law are especially high when law creates or acknowledges citizen rights over the government; hence, law's Janus-faced nature as both a threat and a promise (Alexander 2006; Balkin 2009; Somers 1993; 1994; Thompson 1975). Indeed, existing studies show that when authoritarian state begin to use law to govern the populace and recognize citizens' rights, citizens respond by learning how to mobilize law to negotiate and contend with the state (Lee 2007; Moustafa 2007; O'Brien and Li 2006).

The above institutional characteristics of law urge investigation into the overlap between the media and legal fields, and this investigation, in turn, can help to understand the paradoxical relationship between domination and resistance. Although the literature points out that the institutional nature of law as an instrument of domination also renders it an instrument of resistance, little attention has been paid to how legal institutions influence the formation of social relationships, especially cross-cutting social networks. This neglect is unfortunate. Since the formation of social relationship is often a selection process, the pattern of social relationship can impact how actors engage with the law and whether law is used as an instrument of resistance. In essence, analyzing field overlap between the media and legal fields through both institutional and social network

mechanisms can deepen understanding of the social and cultural processes that translate legal institutions into resistance.

4.1.4. The Contingent and Heterogeneous Aspects of Field Overlap

In the above section, I addressed the importance of field overlap between the legal and media fields for critical news reporting. In this section, I consider the contingency and heterogeneity of field overlap processes and integrate these factors into my theoretical framework. Even when theories recognize the significance of field overlap, they do not adequately attend to the contingent and heterogeneous aspects of the phenomenon. Because institutions in contemporary society are complex and interconnected, field overlap through institutional mechanisms is not an unusual phenomenon (Edelman et al. 2010; Friedland and Alford 1991). Theoretically, actors bounded by an institution can all utilize the structural opportunities created by the institution. Actors can also emulate successful strategies of using networks to access various resources (DiMaggio and Powell 1983). However, not all actors can use these structural opportunities to pursue their agendas successfully in reality.

Certain literature on field theory indicates that variation in individual ability to conduct strategic action is an important factor in explaining divergent outcomes in a field (Fligstein 2001; Fligstein and McAdam 2011), but I suggest that the structural conditions within a field can also impact the use of field overlap mechanisms. To be sure, the differential abilities of individual and collective actors to articulate interests, shape identities, and form political coalitions can influence how actors utilize field overlap

mechanisms. Yet, the strategies of actors also depend on their position in the field in relation to other actors. How actors can use their resources to wield power and propagate their logics hinges on the distribution of resources or capital among all relevant actors (Bourdieu and Wacquant 1992:114). Accordingly, investigating the distribution of resources or capital in the field is indispensable for understanding the power structure and how actors can make use of field overlap mechanisms. This emphasis on the within-field power structure is consistent with the prevailing analytical framework on news production with which I began this discussion, as that framework highlights how the configuration of political, economic, and professional power can impact news production.

To be more specific about how the distribution of power within the media field impacts the use of field overlap mechanisms, I suggest that when political and economic power is less concentrated and when professional power is strong in the media field, journalists are more likely to use field overlap mechanisms to resist the undue influence of political and economic logics, and vice versa. In her study of eighteenth-century England (1993), Somers finds that varying political, economic, and social power structures explain why villagers in two regions differed in their ability to use national law to claim citizen rights. In the region where few landholders monopolized political and economic resources, villagers were not able to develop a strong community. As a result of this power structure, villagers failed to leverage national law for citizenship claims. In contrast, in the region where multiple landholders existed, no single powerful lord could fully control the village, and villagers were able to develop a more cohesive community. A more porous political-economic power structure and a more unified community

allowed villagers to turn the law to their advantage. In a similar vein, in a study of Shanghai media, scholars have found that the distribution of local political and economic power influences the submissiveness of media. Since political resources are concentrated in a single propaganda agency and the market is monopolized by few players, it is easy for the Shanghai government to control the local media (Lee et al. 2007). Essentially, the distribution of political, economic, and professional power in the media field can moderate the extent to which journalists are able to use field overlap mechanisms to produce critical news reports.

In sum, building upon the conventional framework of news production, I have developed a theoretical framework that considers how field overlap between the media and legal fields can facilitate critical news reporting, and how field overlap mechanisms are conditioned by the distribution of political, economic and professional power in the media field.

4.2. CASE SELECTION AND DATA ANALYSIS STRATEGY

To explain when and why some newspapers in China are able to produce critical news reports, I conducted a comparative study of five newspaper organizations in four cities in coastal China: Beijing, Shanghai, Guangzhou, and Fuzhou. The five newspaper organizations are listed in Table 4-1. In the paragraphs below, I describe the selection of the five newspaper organizations and my data analysis strategy.

TABLE 4-1: Selected newspapers.

	Newspaper	Locality	Year founded	Average circulation per day in 2005*
1	<i>Beijing Times</i> (<i>jinghua shibao</i>)	Beijing	2001	380,000
2	<i>Shanghai Morning Post</i> (<i>xinwen chenbao</i>)	Shanghai	1999	461,900
3	<i>Southern Metropolis Daily</i> (<i>nanfang dushibao</i>)	Guangzhou	1997	1,400,000
4	<i>Yangcheng Evening News</i> (<i>Yangcheng wanbao</i>)	Guangzhou	1957	1,210,000
5	<i>The Strait Metropolis Daily</i> (<i>haixia dushibao</i>)	Fuzhou	1997	247,000
6	<i>People's Daily</i> (<i>renmin ribao</i>)	National	1948	1,926,400

NOTE.—* *China Journalism Yearbook* 2006, pp. 618–21.

4.2.1. Case Selection

The goal of case selection was to find comparable newspaper organizations that would allow me to examine the relationships between field overlap, structural conditions in the newspaper field, and critical news reporting. In order to investigate how structural conditions – configuration of political, economic and professional power – moderate field overlap mechanisms and influence critical news reporting, I selected comparable newspaper organizations situated in different structural conditions.

Case selection was based on analysis of secondary literature and 38 preliminary interviews with journalists and scholars knowledgeable about the Chinese press. I conducted these preliminary interviews between 2009–2010 in China and the United States. There were three stages to the case selection process. I first selected the region to study, then chose specific localities within the region, and finally chose newspaper organizations from the selected localities. This selection process allowed me to select comparable newspaper organizations embedded in different structural conditions. I will discuss each of these three steps in turn.

First, I chose to study China's coastal urban region. China is a huge country with spatially heterogeneous economies. The geographical inequality of coastal versus inland provinces and the urban–rural divide is well documented (Xie and Hannum 1996). As the level of economic development in the urban coastal region is relatively homogenous, I decided to focus on this region to control for this element. Readers in areas with different levels of economic development could arguably have distinct demands with regard to news content that would, in turn, further impact news production. Focusing on newspaper organizations in areas with relatively comparable economic development makes the task of comparison more viable, although this strategy inevitably restricts the generalizability of the argument.

Second, I selected the four coastal region cities of Beijing, Shanghai, Guangzhou, and Fuzhou because the structural conditions – specifically, the way in which the professional community of journalists is situated in relation to state agencies and the newspaper market – varies across these four sites. I measured the strength of the

journalists' professional community in each location according to the extent to which journalists behave as spokespersons for the public and fight for professional autonomy. I examined the structure of state agencies in order to measure the distribution of political power (Chan 2003; Lee et al. 2007; Somers 1993; Zeng and Huang 2012). Newspapers are regulated by the Propaganda Department, but the Propaganda Departments at different administrative levels do not necessarily have congruent standards and interests. When multiple-level Propaganda Departments co-exist in a locality, the political power is more fragmented. I analyzed the distribution of market power according to the level of market competition. When the market is more competitive, a newspaper organization has less power over consumers and is under more pressure to consider readers' demands.

My analysis suggests that political, market, and professional power configures in three distinct ways across the four cities. In Guangzhou, a strong journalist community is situated in relation to less unified state agencies and a highly competitive newspaper market. In Beijing and Fuzhou, a moderately strong journalist community is positioned in tandem with less unified state agencies and a moderately competitive newspaper market. In Shanghai, a moderately strong journalist community is situated alongside a more unified state apparatus and a moderately competitive newspaper market. I summarize these results in Table 4-2. These variations allowed me to tease out the relationships between structural conditions, field overlap mechanisms, and critical news reporting.

TABLE 4-2: Configuration of political, economic, and professional power in the newspaper field.

Guangzhou	Beijing and Fuzhou	Shanghai
A strong journalist community is situated in relation to less unified state agencies and a highly competitive newspaper market.	A moderately strong journalist community is situated in relation to less unified state agencies and a moderately competitive newspaper market.	A moderately strong journalist community is situated in relation to a more unified state apparatus and a moderately competitive newspaper market.

Third and finally, I selected five comparable newspaper organizations. In order to do this, I selected five local, commercially oriented newspaper organizations that attempt to attract urban readers in the four cities. I first excluded non-comparable organizations from the selection pool (see *Methodological Notes*). Then I made a final selection from the three most popular commercial newspaper organizations in each location.

As discussed earlier, field theory suggests that ability to conduct strategic action may impact organizational performance in a field (Fligstein 2001; Fligstein and McAdam 2011). In terms of using network mechanisms, whether a newspaper organization has preexisting relationships with actors beyond the newspaper field can impact whether they are able to form collaborative networks. In this aspect, no noticeable difference existed among the top three local newspapers in Beijing, Shanghai, or Fuzhou in the early 2000s. None of these newspapers had noticeable relationships with actors beyond the newspaper field. Due to this lack of variation, I randomly selected one newspaper organization from the top three newspapers in the three cities, respectively.

In comparison, there was significant variation among the top three Guangzhou newspaper organizations. One of the newspapers, the *Southern Metropolis Daily*, had more connections beyond the newspaper field. The Southern Media Group, the newspaper conglomerate that operates the *Southern Metropolis Daily*, also publishes the *Southern Weekly*, a weekly newspaper that has circulated in many Chinese cities since 1984. The *Southern Weekly* has been influential among intellectuals and has a national reputation. Since the *Southern Metropolis Daily* and the *Southern Weekly* are both operated by the Southern Media Group, the *Southern Metropolis Daily* had a greater capacity to form cross-cutting collaborative networks than other local newspapers. To increase variation, I selected the *Southern Metropolis Daily* and randomly selected one newspaper from the other two newspaper organizations in Guangzhou.

4.2.2. Data Analysis Strategy

My empirical analysis was comprised of two parts. I first established the variation among the five selected local newspapers in terms of critical news reporting. Then I examined the relationship between field overlap, structural conditions, and critical news reporting across the five selected newspaper organizations in order to address my research question. In this section, I begin with an introduction of the two primary data sources that I drew on to conduct empirical analysis: news reports and in-depth interviews. Then I discuss how I analyzed these data to conduct the two-part empirical analysis.

Data Sources

News reports published by the five selected local newspapers and the *People's Daily* between 2003 and 2006 provided the first source of data for this study. In addition to the five selected local newspapers, I also analyzed the reports of the *People's Daily* since the comparison of *People's Daily's* content and news reports published by the five selected local newspapers helps to foreground the relationship between domination and resistance. As the central Party-state's official newspaper, the *People's Daily's* content serves as the yardstick of dominant official discourse. Analysis of this content helps to understand how and when critical reports depart from official discourse. Just as revealing, however, is an analysis of what is missing altogether, as *People's Daily's* content provides a sense of what news the central government is avoiding and, thus, what content, if covered by other publications, would challenge the state. I decided to analyze news reports produced between 2003 and 2006 because the newspaper and legal fields were already highly developed and remained stable in this period. Additionally, the influence of the Internet and social media on news production was still limited at this stage, so there was less concern about how journalists were connected with one another and other actors via the Internet.

The second data source for this study was 64 in-depth interviews. I conducted two waves of interviews. The first-wave consisted of 38 preliminary interviews with 28 journalists and 10 scholars knowledgeable about the Chinese press between 2009 and 2010. I conducted face-to-face interviews in China and the United States. Each first-wave interview lasted about two hours. After I selected the five newspaper organizations, I

conducted the second-wave interviews in 2011 with three groups: Chinese journalists who work or have worked in the selected newspaper organizations; lawyers and legal scholars; and communication studies scholars. The distribution of these subjects is provided in Table 4-3. To better understand how and why newspapers have historically used field overlap mechanisms in news production, I chose to interview journalists who have been in the field for at least five years and have regular interactions with other state agencies. Many of these journalists have also taken leadership positions at their newspaper organizations. I conducted face-to-face interviews in Guangzhou and Beijing. I conducted phone interviews with the journalists who were working in Shanghai and Fuzhou. Each second-wave interview lasted about two to two and half hours. E-mails were exchanged when further information was required.

TABLE 4-3: Distribution of interview subjects in second-wave interviews.

	Interview subjects	Numbers
1	<i>Beijing Times</i> journalists	3
2	<i>Shanghai Morning Post</i> journalists	2
3	<i>Southern Metropolis Daily</i> journalists	6
4	<i>Yangcheng Evening News</i> journalists	3
5	<i>The Strait Metropolis Daily</i> journalists	2
6	<i>People's Daily</i> journalists	2
7	<i>Lawyers and legal scholars</i>	6
9	<i>Communication studies scholars</i>	2
	Total	26

Two-part Empirical Analysis

The first part of the empirical analysis establishes the level of variation among the five selected local newspapers in terms of critical news reporting. In order to determine

what constitutes critical news reports, I inductively developed a six-dimensional scheme based on the 64 in-depth interviews. I asked subjects what kinds of problems and solutions to problems journalists *would* and *should* report due to their importance to Chinese society *if* external pressures were not a consideration. Their answers are captured as six dimensions listed in Table 4-4 (see *Methodological Notes*). I briefly explain the six dimensions below.

TABLE 4-4: Dimensions and keywords for content analysis.

	Dimension	Keywords
1	Unconstitutionality	违宪
2	The state's infringement of rights and other illegal behavior	(侵害人民) or (侵害公民) or (侵害民众) or (政府违法) or (干部违法) or (官员违法) or 腐败
3	Rights of marginal or disadvantaged groups and discrimination thereof	(弱势群体 and 权利) or (边缘群体 and 权利) or (边缘人群 and 权利) or (歧视 and 权利)
4	Systematic evaluation of compulsory acquisition of land and property	(拆迁)
5	Citizenship rights, civil society, and political participation	(公民社会 and 权利) or (公民意识 and 权利) or (公民参与 and 权利) or (政治参与 and 权利)
6	Judicial independence or reform	(法院 and 独立) or (司法 and 独立) or (司法 and 改革) or (法院 and 改革)

The first dimension is *unconstitutionality*. My interviewees pointed out that unconstitutionality is a critical issue as the government uses unconstitutional laws and regulations to deny or even impinge upon citizen rights. The government wants citizens to comply with laws unconditionally without questioning the content of those laws. News reports that allude to unconstitutionality remind readers of the danger of taking law's legitimacy for granted.

The second dimension examines *the state's infringement of rights and illegal behavior*. There was a consensus among my interviewees that many serious problems in China are caused by the government's infringing upon citizen rights, government corruption, and other illegal behavior. This dimension looks at the extent to which newspapers point out that government agencies are, in fact, the cause of societal problems.

The third dimension investigates the *rights of marginal or disadvantaged groups and discrimination against them*. This dimension relates to inequality – the unequal distribution of de facto rights. Increasing inequality is a serious problem in China, occurring in every critical aspect of life, such as education, health care, and opportunity to work. News items that frame these such in terms of the rights of marginal or disadvantaged groups, instead of as individual anecdotes, represent an effort to emphasize the social importance of said issues.

The fourth dimension examines the *systematic evaluation of the compulsory acquisition of land and property*. Compulsory acquisition of land and property – the Chinese version of the enclosure movement – often triggers serious collective action and fanatical resistance. My interviewees stated that instances of land grabbing are often described as individual cases, and that journalists should make a greater effort to identify the widespread nature of the problem and its roots instead.

The fifth dimension—*citizenship rights, civil society, and political participation*—is about solutions to societal problems. There was a very high consensus among my

interviewees that broadening citizenship rights, civil society and political participation is key to addressing fundamental societal problems.

The sixth dimension examines *judicial independence or reform*. Many subjects see the Chinese judicial system as problematic. As the functioning of the courts impacts the realization of a variety of rights, my interviewees reported a belief that judicial independence or reform is another necessity to solving problems in China.

After identifying these six dimensions of critical news reports, I began to analyze news content to determine how often these elements appeared in the selected newspapers. I retrieved news from WiseNews, a professional digital news archive. I first used the keywords listed in Table 4-4 for the preliminary selection of news reports. These keywords are common terms that are used to describe and discuss issues related to the six dimensions outlined above. Next, my research assistant and I decided whether each article actually discussed the relevant dimension. I then counted the number of reports per dimension for each newspaper. Finally, I standardized the numbers of articles for each newspaper using z-scores along each dimension to facilitate comparison. Details about context analysis are presented in the *Methodological Notes*.

In the second part of the empirical analysis, I examined the relationship between field overlap, structural conditions, and critical news reporting in order to develop an explanation of my research question. The primary data source that I drew on in this part of the analysis was in-depth interviews, although I also drew on the results of my content analysis to enhance my understanding of interview data. I read through interview notes and transcripts carefully to understand the development of the newspaper and legal fields,

the position of a specific newspaper organization in the newspaper field, the conundrums that journalists were facing, journalists' strategies to address these problems, and the interaction between macro-level conditions and micro-level practices in news production. To increase the validity of my analysis, I constantly compared interview data from different subjects to determine areas of agreement and divergence. When areas of divergence occurred, I conducted follow-up interviews using telephones or e-mails to deepen my understanding of data. Furthermore, I asked certain interviewees to read and comment on my analysis of interview data and news content in order to enhance the validity of the study. Through this process of repeatedly analyzing and triangulating data, I was able to construct a narrative explaining why and when some newspapers were able to produce critical news reports.

4.3. EXPLAINING CRITICAL NEWS REPORTING IN CHINA

In this section, I present the results of my empirical analysis. I first establish that the five selected newspapers differed considerably in terms of their respective amounts of critical news reporting. Next, I explain why some of the newspapers produced more critical news reports than others. In order to do this, I outline the process by which the Chinese state's actions led to institutional overlap between the legal and newspaper fields, which, in turn, created opportunities for journalists to access resources in the legal field. By then examining how this field overlap and creation of opportunities unfolded differently in Guangzhou, Beijing and Fuzhou, and Shanghai, I show how the configuration of professional, market, and political power moderated the extent to which

journalists in each site were able to utilize network mechanisms to produce critical news reports.

4.3.1. Variation in Critical News Reporting

The results of my content analysis indicate that although China is ruled by a single-party authoritarian state well-known for censorship, that censorship has not completely silenced critical voices within the media. As explained above, I developed a six-dimensional scheme to measure the amount of critical news reports. Each dimension represents a category of problems or solutions to problems that my interview subjects identified as issues that journalists should and would report on if external pressures were not a consideration. Table 4-5 presents the number of critical news reports by dimensions.

To facilitate comparison, I standardized the numbers of articles for each newspaper using z-scores along each dimension (i.e., each row in Table 4-5). For example, for the dimension of “unconstitutionality,” the first row in Table 4-5, I calculated the population mean and the population standard deviation from six raw scores (i.e., the numbers of articles on “unconstitutionality” for the six newspapers, respectively). Then I calculated the z-score for each newspaper by subtracting the population mean from the raw score and then dividing the difference by the population standard deviation. In this way, I obtained six z-scores for the dimension of “unconstitutionality.” I then repeated the same procedure to calculate z-scores for the other dimensions (i.e., rows).

Table 4-6 presents the z-scores. The higher the z-score, the more critical news reports a newspaper produced. I plotted the z-scores per dimension using a radar chart in

Figure 4-1. As the scheme is six-dimensional, each newspaper has six z-scores. I connected the six z-scores for each newspaper, so that each is represented by a hexagon showing the relative amount of critical news reports it produced in comparison with other newspapers. This visualization allows me to demonstrate differences and commonalities among newspapers parsimoniously. As Figure 4-1 shows, considerable variation exists among the five selected newspapers in terms of numbers of critical news reports, and this variation is associated with the distribution of political, market, and professional power in the newspaper field.

TABLE 4-5: Numbers of articles by dimensions in six newspapers (2003–2006).

	<i>Southern Metropolis Daily</i> (Guangzhou)	<i>Yangcheng Evening News</i> (Guangzhou)	<i>Beijing Times</i> (Beijing)	<i>The Strait Metropolis Daily</i> (Fuzhou)	<i>Shanghai Morning Post</i> (Shanghai)	<i>People's Daily</i> (National)
1. Unconstitutionality	73	40	29	35	3	17
2. The state's infringement of rights and other illegal behavior	75	31	25	24	6	89
3. Rights of marginal or disadvantaged groups and discrimination thereof	293	163	86	93	27	148
4. Systematic evaluation of compulsory acquisition of land and property	13	4	0	1	0	0
5. Citizenship rights, civil society, and political participation	103	33	15	19	4	71
6. Judicial independence or reform	96	40	26	25	7	93

TABLE 4-6: Z-cores by dimensions in six newspapers (2003–2006).

		Southern Metropolis Daily (Guangzhou)	Yangcheng Evening News (Guangzhou)	Beijing Times (Beijing)	The Strait Metropolis Daily (Fuzhou)	Shanghai Morning Post (Shanghai)	People's Daily (National)
1.	Unconstitutionality	1.99	0.49	-0.01	0.27	-1.19	-0.55
2.	The state's infringement of rights and other illegal behavior	1.28	-0.22	-0.43	-0.46	-1.08	1.75
3.	Rights of marginal or disadvantaged groups and discrimination thereof.	2.00	0.51	-0.37	-0.29	-1.04	0.34
4.	Systematic evaluation of compulsory acquisition of land and property	2.34	0.32	-0.58	-0.35	-0.58	-0.58
5.	Citizenship rights, civil society, and political participation	1.94	-0.09	-0.61	-0.49	-0.93	1.02
6.	Judicial independence or reform	1.56	-0.08	-0.49	-0.52	-1.04	1.47

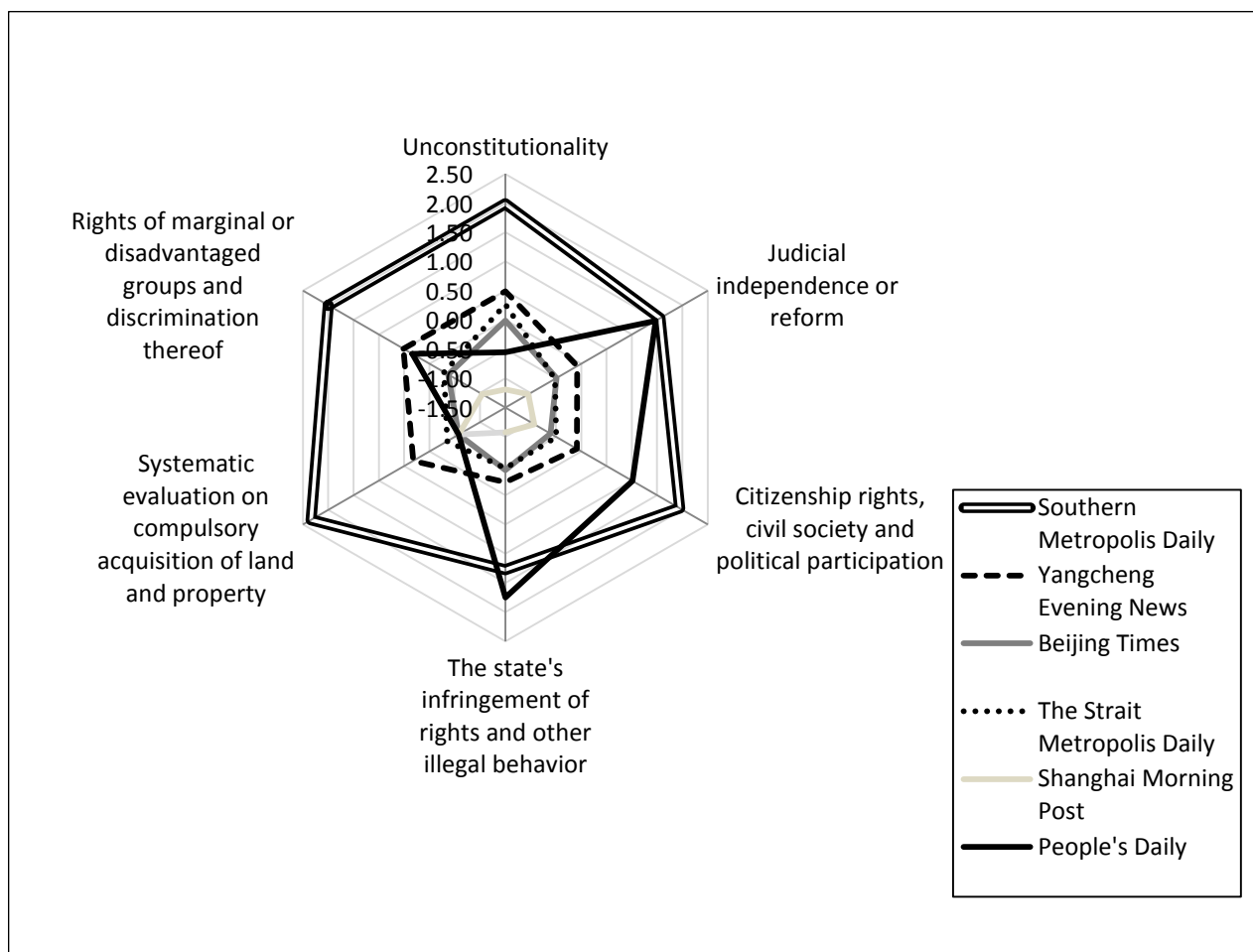


Figure 4-1: Comparison of z-scores along each dimension.

Among the five selected newspapers, the newspapers in Guangzhou – the city with a strong journalist community vis-à-vis less unified state agencies and a highly competitive market produced the largest numbers of critical news reports. Each of the two Guangzhou newspapers had more articles that qualify as critical according to the six-dimensional measure than did each of the other three newspapers. Unlike the other newspapers, the two Guangdong newspapers were not silent on any of the six dimensions. They often extrapolated from single cases and framed issues as manifesting systematic problems. Furthermore, the *Southern Metropolis Daily*, the newspaper with the highest ability to form cross-cutting collaborative networks, had the most articles in each dimension among the five newspapers.

As indicated by the almost overlapping hexagons representing the *Beijing Times* and the *Strait Metropolis Daily* in Figure 4-1, the Beijing and Fuzhou newspapers are similar in terms of their moderate attention to societal problems and solutions. Both newspapers had moderate amounts of critical news reports on all dimensions, except for the systematic causes of the compulsory acquisition of land and property. As I have mentioned, Beijing and Fuzhou were also similar in terms of the structural conditions in their respective newspaper fields. In both cities, a moderately strong journalist community coexisted with less unified state agencies and a moderately competitive newspaper market.

The results of the content analysis for the Shanghai newspaper conform more to the conventional impression of media in authoritarian countries – namely, that it is uncritical. In Shanghai, we found a moderately strong journalist community and a moderately competitive market, but a unified state apparatus. The *Shanghai Morning* had the least

apparent interest in critical news reporting and rarely pointed out the problematic aspects of the government, with only a handful of reports addressing unconstitutionality, the state's illegal behavior, political participation and judicial independence. There were no reports covering the systematic causes of the rampant problem of land grabbing. The disparity between the *Shanghai Morning* and the other newspapers is striking given that all of the selected cases aim to attract the same readership – urban middle class readers in the most prosperous areas in China.

Next, I turn to the comparison between the selected local newspapers and the *People's Daily*, as this comparison helps to highlight the paradoxical relationship between the critical news reports in local newspapers and the central state's official discourse. In comparison with the hexagons that represent the five local newspapers in Figure 4-1, the hexagon that represents the *People's Daily* bears the least resemblance to a regular hexagon, since the *People's Daily* did not emphasize certain dimensions of problems or solutions at all. On the one hand, similar to the Guangzhou newspapers, the *People's Daily* devoted considerable attention to the state's illegal behavior, judicial independence or reform, and citizenship rights. In order to counter the impression that the Chinese authoritarian state does not intend to rule the nation in accordance with law, the *People's Daily* strongly emphasized the institutional supremacy of law and its regulation of state agencies. But as my interview subjects pointed out, this is precisely because, as the mouthpiece of the central state, the *People's Daily* has the political privilege to criticize and admonish the illegal behavior of government officials on behalf of the central government. In comparison, newspapers affiliated with local governments do not enjoy this privilege.

Nonetheless, the *People's Daily's* reporting of critical issues does create some space, albeit limited, for local newspapers to adopt similar framings and produce critical reports. On the other hand, unlike some of the local newspapers, the *People's Daily* was completely silent on critical problems related to unconstitutionality and the structural causes of compulsory acquisition of land and property. My interviewees at the *People's Daily* pointed out that this is because the central state does not want citizens to challenge the legitimacy of law or associate social problems with China's political regime.

The hexagon that stands for the *People's Daily* can be perceived as representing the permissible or desirable area of discourse from the perspective of the Chinese state. Among the five local newspapers, only the *Shanghai Morning* avoided stepping outside of that area. The other four local newspapers remained within acceptable boundaries to a certain extent, but they also transgressed those boundaries to a certain extent. This partly converging and partly diverging relationship in news content between local newspapers and the *People's Daily* reveals the paradoxical role of the central state in both constraining and enabling critical news reporting.

To summarize, my content analysis establishes that the five local newspapers differ greatly in terms of critical news reporting and that this variation maps onto the structural conditions in the newspaper field. These findings are important for two reasons. First, these findings deviate from the conventional wisdom that Chinese media universally avoid reporting on fundamental and structural problems (Pan 2010; Zhao 2004). Second, the correspondence between critical news reporting and structural conditions in each site

suggests the need to further examine how exactly the conditions in each location facilitated or limited the production of critical news reports.

4.3.2. Institutional Mechanisms of Overlap between the Newspaper and Legal Fields

Having established the variation among the five newspapers in terms of critical news reporting, I turn now to explaining it. In this section, I show how the Chinese state's shift to law as a new mode of domination bridged the newspaper and legal fields, thus opening up a space for journalists to use network mechanisms that facilitated critical news reporting.

It may seem paradoxical to consider the significance of law in an authoritarian state, but, in fact, the Chinese state relies heavily on legal institutions to strengthen its legitimacy and govern the country. It is essential here to understand the relatively recent embrace of law by the Chinese state following the Cultural Revolution. China was essentially "lawless" during the Cultural Revolution. The state shifted to law as a new mode of domination in 1978, in order to address the legitimacy crisis the Cultural Revolution had engendered and to facilitate the transition to a market economy (Wang 2010:5).⁵ In building the country's legal infrastructure, the government subjected itself to international laws and borrowed heavily from laws in other countries (Peerenboom 2006;

⁵ During the Cultural Revolution from 1966 to 1976, both social and political order was jeopardized. Even Chinese leaders themselves saw the Cultural Revolution as a nasty, brutal, nationwide war of "all against all." In addition, the national economy was at the edge of collapse by 1976, and thus the Chinese government was faced with a legitimization crisis.

Potter 2004). As a result, Chinese legal institutions today generally resemble their counterparts in liberal democracies, where the concept of rights is a fundamental element. The state also recognized law as a critical form of symbolic capital and the highest form of order in the nation. This set the Chinese state up to be, itself, susceptible to the force of law and – importantly for the purposes of this analysis – to challenges based on different conceptions of law.

But the Chinese state's adoption of law was by no means uncomplicated or unqualified. From the moment it initiated the shift, the state took an instrumental approach that belied its intention to develop the liberal democratic rule of law (Alford 1990; Peerenboom 2002; 2006). Pragmatic Chinese leaders saw law as an institutionalized instrument to achieve stability, unity, and modernization (Deng 1994:189, 381) – that is, an instrument to rescue and strengthen the legitimacy of the CCP. The leaders set aside fundamental questions regarding the rule of law, such as how to justify the coercive nature of law and how to fulfill rights promised by law. The instrumental nature of their approach is evidenced by the *People's Daily's* emphasis on only certain legal stories, such as individual officials' illegal behavior, compared with its complete silence regarding other aspects of law, such as whether certain laws are unconstitutional and why the regime fails to solve systematic land-grabbing issues across China.

Chinese leaders believed that the success or failure of the transition to a new legal order hinged on how well law was disseminated to the Chinese populace. The desired order could be attained only if the majority of the populace knew and spontaneously obeyed the law. In addition, citizens would need to learn about the law in order to

participate in the emerging market economy. Yet, determining how to disseminate this kind of understanding and a normative relationship to the law proved to be a daunting task in the 1980s, considering China's huge population and territory, and the very paucity of law during the Cultural Revolution. The general unfamiliarity with law among the Chinese populace was exemplified by the emergence of the term "legal illiterate (*famang*)" in the late 1970s, referring to those who did not know law or have a sense of legality.

In order to make law work and to reap the benefits of symbolic domination, the Chinese state diffused law and the concept of rights through political campaigns and media communication. In 1985, the Propaganda Department and the Ministry of Justice jointly announced a five-year plan to disseminate law to the public. This plan detailed methods and organizational strategies. The dissemination campaign aimed to acquaint citizens with basic knowledge of the law within five years, so that each citizen would understand and abide by the law. Between 1985 and 2010, five five-year plans of law dissemination were implemented. Importantly, these campaigns relied heavily on the media to do the actual work of dissemination as part of their service to state propaganda. Peng Zhen, the Chairman of the Standing Committee of the Sixth National People's Congress, told journalists in 1984 that helping people know, understand, and abide by the law was media's mission.⁶ The Propaganda Department repeatedly demanded that media use innovative means that would capture the audience's attention and effectively place law in the hands of the populace. And, as evidenced by the Rule of Law Index, the

⁶ The *People's Daily*, 12 May 1984.

government's plan was largely successful, insofar as laws were made widely accessible and comprehensible to the Chinese populace.⁷

Most importantly for the purposes of this discussion, the central state's shift to law as a new mode of domination – and especially its use of the media to disseminate law – created a new bridge between the legal and newspaper fields, bringing about new opportunities for actors in the latter, in particular. Given the Chinese state's usual effort to prevent connections across organizations in order to forestall the rise of competing political power (Deng 1994:271), this institutional intersection created a novel and critical condition for the formation of cross-cutting networks. The transformation of the legal field also elevated the potential impact of such institutional field overlap.

As the process of legal reform unfolded, the legal profession became more established and diversified over time. Legal professionals' ability to interpret and apply law improved over time. Though the state retained overall control, the expanding legal service market allowed the legal profession to have more independence (Peerenboom 2002). Furthermore, how legal professionals identified themselves in relation to the state and society gradually changed. Many legal professionals in China no longer view themselves as mere servants of the state anymore (Peerenboom 2002:351). Although the majority of legal professionals are still focused on making money, some have begun to see themselves as guardians of citizenship rights, as indicated by the emergence of public

⁷ According to the Rule of Law Index compiled by the World Justice Project in 2011, China is ranked 22nd out of 67 countries in terms of how well laws are publicized and widely accessible. It fares even better than Germany, and has the second highest ranking among the “non-free” countries. In the evaluation of how comprehensible laws are to the public, China is ranked 11th out of 67 countries, beating Austria, Norway, Canada, the United States, and many other liberal democracies. The Rule of Law Index 2011 report, retrieved 28 February 2013 from <http://worldjusticeproject.org/rule-of-law-index/index-2011>.

interest lawyers and “rights protection lawyers.” This transformation has impacted how legal professionals engage with the law (Feng 2009; Fu and Cullen 2008; Liu and Halliday 2011).

Essentially, the overlap between the legal and newspaper fields through institutional mechanisms brought about opportunities for journalists to access resources in the legal field and to resist the state’s political logics. But as I will demonstrate below, precisely how this institutional field overlap played out and what its consequences were hinged on structural conditions in the newspaper field across locations.

4.3.3. How Structural Conditions Moderate Field Overlap Mechanisms

The institutional overlap of the newspaper and legal fields granted journalists access to resources in the legal field, but the structural conditions in the newspaper field – that is, the distribution of political, economic, and professional power – influenced whether journalists could seize such opportunities for critical news reporting through collaborating with the legal profession. In this section, I show how the structural conditions of the newspaper field moderated the use of network mechanisms and impacted critical news reporting in (1) Guangzhou, (2) Beijing and Fuzhou, and (3) Shanghai. I find that in Guangzhou, the structural conditions allowed journalists to produce a considerable amount of critical news reports through robust collaboration with legal professionals; in Beijing and Fuzhou, structural conditions partly hindered collaboration and limited the amount of critical news reporting; and in Shanghai, critical news reporting was even more rare, with structural conditions largely stifling cross-field collaboration.

Guangzhou: Robust Collaboration

The influence of market demands and professional norms on critical news reporting.—Guangzhou, the capital of the Guangdong province, is well-known for its vehemently competitive newspaper market. This competitive market is due, in part, to the fact that Guangdong is where China's economic reform first unfolded. In the late 1990s and early 2000s, the Chinese people began to demand more information about the social problems engendered by the country's transition to a market economy. Though many newspapers were interested in investigating these problems and possible solutions, critical reporting was rare due to government censorship. At the same time, however, the highly competitive market for news in Guangzhou forced newspapers to take consumers' demands more seriously. This created a situation in which newspapers needed to make a choice between conflicting political and market logics.

The intensifying market demand for critical news reports in Guangzhou fit nicely with the norm among journalists in that city to see themselves as spokespersons for citizens. Similar to the legal profession, the media profession transformed greatly with the unfolding of media marketization in the 1990s. An older set of professional norms positioned journalists as mere mouthpieces of the state, but with media marketization, norms viewing journalists as ordinary wage workers and/or as spokespersons for citizens emerged (Hassid 2011; Lee et al. 2007; Pan and Chan 2003). Journalists who saw themselves as mouthpieces of the state tended to follow the instructions of Propaganda Departments, and journalists who viewed themselves as ordinary wage workers were often reluctant to pursue stories that could jeopardize their employment security. But

journalists who saw themselves as spokespersons for the public were more likely to report on social problems, fight for professional autonomy, and resist the undue intervention of political and market logics. This view influenced journalists in Guangzhou much earlier than journalists in other areas due to Guangzhou's proximity to Hong Kong, where this professional norm was strong. Guangzhou journalists were thus relatively more likely to view themselves as serving the interests of citizens.⁸ Such professional norms attracted the most ambitious and talented journalists from around the country to pursue their professional careers in Guangzhou.

Intensive market competition gave public-minded journalists enough leverage to persuade managerial cadres to take more political risks. As one journalist at the *Yangcheng Evening News* recalled: "Our pursuit of professional ideals was consistent with newspapers' pursuit of market profits. Although the managerial cadres were concerned about political risks, they understood that we would lose the market share if we could not satisfy the demands of readers" (June 2011, Guangzhou). In essence, the market logics and the prevailing professional norms in Guangzhou worked together to demand more critical news reports, despite the political risks.

Collaboration as a solution to hurdles.—When Guangzhou journalists attempted to satisfy market demands and enact their professional ideals, they encountered two hurdles. The first difficulty was political risk. Even though Party leaders in the central government occasionally encouraged reporting on social problems and emphasized rule of law, this

⁸ Journalists in Guangzhou also connect this identity with the traditional identity of journalists as critical intellectuals in the Republic era and the 1980s.

was mere lip service and stood in stark contrast to the actual practices of state agencies. In particular, critical news reports were seen as challenging the Propaganda Department's policy of promoting reports on the Party-state's achievements ("positive propaganda") and restricting reports on social problems ("negative reports"). Furthermore, since critical news reports might affect the political career and private benefits of individual government officials, these officials and their powerful associates often retaliated against outspoken journalists and newspapers.

The second hurdle that journalists encountered when they decided to produce more critical news reports was a technical one: Guangzhou journalists found that their training was inadequate for analyzing emerging societal problems. This was due partly to the unfolding legal reforms, which translated societal problems into legal issues. As many of my interviewees pointed out, the best and safest way to frame a phenomenon as a problem is to demonstrate its deviation from legal texts or principles. But most journalists did not know much about the legal system that had been so rapidly introduced to enable the new market economy, let alone how to use law as an analytical tool or as a weapon of self-defense. A former editor-in-chief at the *Southern Metropolis Daily* described the dire need for legal expertise:

We found that readers demanded news reports that uncover corruption and other illegal practices, speak on behalf of citizens about their problems, and publicize legal knowledge. Readers became more demanding as they were no longer content with being presented with only facts. Instead, readers expected journalists to discuss and analyze the underlying causes of problems.... Law became the yardstick to discuss problems after the legal reform. These demands created new problems for us as we are not legal experts. Traditional investigative reports, albeit still important, became inadequate. (June 2011, Guangzhou)

This quote reflects the enormous need among journalists for legal proficiency to produce critical news reports.

To overcome the political and technical hurdles, journalists began to collaborate with legal professionals. Journalists in the Southern Media Group, including both the *Southern Metropolis Daily* and the *Southern Weekly*, sought assistance from lawyers and legal scholars. Legal experts could not only help journalists to investigate and analyze societal problems, they could also assess the political and legal risks that critical journalists might encounter.⁹ As one journalist said, “Lawyers know the art and skill of resistance. They can better calculate the cost of resistance and prepare for battles” (June 2011, Guangzhou). Importantly, this collaboration was not politically implausible. Although the CCP tended to forestall regular interactions between individuals across organizations and fields, the interaction between journalists and the legal profession seemed appropriate, given that the government was asking journalists to publicize legal knowledge. The *Southern Weekly*’s national reputation and popularity among intellectuals brought the *Southern Metropolis Daily* many collaborators, including nationally-renowned legal scholars and lawyers, as well as a small number of open-minded government officials in the legislative and judicial branches. The Southern Media Group’s strategy was also mimicked by other Guangzhou newspapers, including the *Yangcheng Evening News*. These newspapers successfully collaborated with local legal scholars and lawyers in Guangzhou.

⁹ According to my interviewees, this problem-solving strategy was not borrowed from media in Hong Kong or elsewhere but, instead, developed endogenously.

While collaboration between journalists and the legal profession helped the former to address new problems and demands, the relationship also benefited certain legal professionals – specifically, political liberals who were committed to protecting citizens’ rights and to advancing a “genuine” rule of law.¹⁰ Similar to journalists, the legal profession is subject to the arbitrary power of the authoritarian state. When legal professionals pressure the government to follow the law and protect citizens’ rights, they run the risk of retaliation from government officials. Since publicizing the wrongdoing of government officials may prevent such retaliation, support from journalists can help legal professionals to protect themselves while influencing government decisions (Liebman 2005; Liu and Halliday 2011). Furthermore, for legal professionals interested in advocating a “genuine” rule of law, newspapers provide a good medium for their ideas. As a result, legal professionals who identified themselves as guardians of citizens’ rights and journalists who saw themselves as spokespersons for the people made natural allies. In short, the collaboration between these two professions was mutually beneficial as it helped actors in both professions to pursue their agendas safely and more effectively.

In this process of collaboration, public-spirited journalists and legal professionals not only pursued their own respective agendas, but also developed the common goal of cultivating a civil society, and critical news reporting was seen as an important means of achieving that goal. Actors in both fields also shared a common understanding of China’s critical historical events and its current problems that motivated them to pursue

¹⁰ My interviewees emphasized that although the CCP claims to rule the country in accordance with the law, China does not have genuine rule of law. First, its law-making process does not represent citizens’ will. Second, institutions that ensure the constitutionality of law do not function. Third, state agencies are often not in reality bound by law. Fourth, the judicial system is far from independent.

socio-political change. The 1989 Tiananmen protests, for example, loomed large in the memories of both groups. As Zhao (2000a) explains, “The movement was suppressed, but people did not forget. Much of Chinese politics since then has centered on the ghost of the movement and its aftermath.” Most of my interviewees in the Guangzhou collaborative networks mentioned how the Tiananmen incident tremendously impacted their career choices and linked their professional goals to specific political agendas.¹¹ These interviewees also alluded to the influence that the CCP’s former General Secretary Zhao Ziyang had on them. Zhao was put under house arrest until his death as punishment for his perceived leniency in dealing with the protesters, and he is still designated as part of the unspoken history of the CCP. But his political reform agenda and increasing disenchantment with the communist regime greatly impacted many journalists and legal professionals in the Guangzhou collaborative networks.¹² These professionals perceived the current single-party rule as the root of China’s problems. Many of them described how they had become disillusioned with the CCP over time and frankly expressed their opposition to it. These professionals sought to advance the development of a genuine rule of law and civil society in China, something they thought could bring about the country’s democratization.¹³ As they saw it, critical news reporting would help Chinese citizens

¹¹ Some of my interviewees were participants in, or observers of, the 1989 Tiananmen protests. One lawyer said: “I was a college student then. This event is critical to me. I learned that history would repeat itself if the government is not bound by democratic law. I also recognized that we should come up with more practical ways to incrementally change the government and citizens. Gradually, I decided to help citizens recognize and pursue their rights. I have been doing this through handling individual cases and disseminating ideas about citizens’ rights and rule of law” (June 2011, Beijing).

¹² Many of these interviewees asked me if I had read Zhao Ziyang’s memoirs, as they all had, despite the fact that the memoirs are censored in China.

¹³ Generally, these interviewees also agreed that revolutions would not help China’s democratization. They talked instead about an incremental democratic transition, as occurred in Taiwan.

become politically self-conscious, forcing the government, in turn, to become accountable to its citizens. A journalist at the *Southern Metropolis Daily* described the evolving nature of such collaboration:

The alliance turned out to be like a loosely connected, informal political party. We collaborate because our political views are similar in critical aspects and we want to bring about political and social change. Political liberals who highly value citizens' rights and genuine rule of law are much more motivated to cultivate such collaborative relations. There are a variety of ways in which journalists and lawyers can live their lives. Journalists and lawyers who see themselves as wage laborers, or who are fine with the dominant official discourse and practices, are not motivated to do these extra and risky things. They can just follow ordinary routines and live a satisfying life. (June 2011, Beijing)

Understanding the political nature of this collaboration is important as it reveals why many journalists and legal professionals associated with collaborative networks in Guangzhou have persisted in producing critical news reports, despite potential and actual political repression.

Collaboration and critical news reporting.—By allying with legal professionals, journalists in Guangzhou gained valuable resources for critical news reporting. Legal professionals assisted journalists in three non-mutually exclusive ways. First, they provided expert advice. Second, legal professionals actually wrote articles for newspapers at times at the request of journalists. Third, legal professionals participated in news topic selection, investigation, and framing. Many journalists pointed out in their interviews that lawyers were among the most knowledgeable critics of social problems. With the rapid spread of legal knowledge and the concept of rights in China, social conflicts were transformed into legal struggles. Lawyers' interactions with citizens across strata and

localities rendered them critical commentators on social problems. Therefore, lawyers were able to provide journalists with suggestions regarding news topics and analyses. In some instances, lawyers even sent their employees to help investigate stories. These various forms of assistance greatly aided critical news reporting.

One important consequence of these alliances was that journalists were able to broaden the “gray area” of reporting. Although certain topics are absolutely forbidden in China, a gray area does exist (Lin 2008). At times, legal professionals were able to stretch the permissible boundaries of this gray space by articulating potentially sensitive problems using language that appeared acceptable to the central government. A lawyer who has worked with the *Southern Metropolis Daily* said:

We know how to frame problems properly in accordance with law. There is an old Chinese proverb, “Set your own spear against your own shield.” It means that we refute somebody with his or her own argument. If we want to criticize the government and uncover problems, we need to frame the problems according to the official language, that is, law. (June 2011, Beijing)

In short, precisely because legal professionals were experts in the government’s new form of symbolic domination, they were also uniquely situated to turn that symbolic order into an instrument of resistance.

In addition to providing resources for critical news reporting, collaboration between the two professions also empowered journalists to decrease their own self-censorship. As a journalist at the *Yangcheng Evening News* explained: “Propaganda Department officials are not interested in reading every piece of news. The real power of censorship and political control lies in its inducing fear and self-censorship. After my colleagues and I

worked with lawyers, we know we are righteous....We become much more confident and less constrained by censorship” (June 2011, Guangzhou). Compelling journalists to self-censor was one of the most effective means through which the government enforced censorship; thus, when journalists gained new confidence as a result of their collaboration with the legal profession, it created a hole in the censorship system.

By collaborating with liberal-leaning actors in the legal profession, journalists in Guangzhou were able to get around some censorship issues and produce more critical reports – an outcome that deviated from and even undermined the original purpose of the government’s law dissemination programs. A former chief editor of the *Southern Metropolis Daily* explained, “We have been implementing the task of law dissemination as required by the government. We just use this opportunity to diffuse ideas about genuine rule of law and talk about problems in Chinese society” (June 2011, Beijing). Importantly, however, it must be noted that even though they received assistance from legal experts, journalists were still under constant regulation by state agencies. But fortunately, as the next section will discuss, the fragmented structure of regulatory agencies in Guangzhou meant there was still leeway for critical news reporting.

Fragmented political power as an opening.—The structure of state agencies in Guangzhou is such that political power there is relatively fragmented. Since Guangzhou city is the provincial capital of the Guangdong province, both provincial- and city-level Propaganda Departments are located there. Provincial-level and city-level Propaganda Departments directly supervise provincial-level and city-level newspaper organizations, respectively. The coexistence of Propaganda Departments at both levels in Guangzhou

allows newspaper organizations to bypass political control through two complementary mechanisms.

First, since newspaper organizations are part of the state apparatus, they can exploit their political power in the official hierarchy to produce critical news reports. For newspaper organizations in Guangzhou, the golden rule is that one must never directly criticize the central government, the communist regime, or one's own local government officials. Newspapers can, however, report on problems that are apparently unassociated with their specific local government or the central government. The Southern Media Group, including the *Southern Metropolis Daily*, is well-known for utilizing its political position in the government hierarchy to produce critical news reports (Wang 2009). As a newspaper organization incorporated into the Guangdong provincial government, the *Southern Metropolis Daily* avoids criticizing the Guangdong provincial government and the central government directly. When reporting on problems, it often targets lower-level officials in Guangdong or local governments outside Guangdong.¹⁴ At the same time, it can still imply that problems in China are not local or individual but systematic. As a journalist in the *Southern Metropolis Daily* explained:

When writing a critical news report, we often write in a tone that sounds as if we were the central government. We criticize local governments and individual officials for breaking the law. Of course, we know that the central government should be held accountable as well, so we do try very hard to suggest to readers that many societal problems in China are systematically rooted in China's institutions and political regime. (June 2011, Guangzhou)

¹⁴ As newspapers are required to submit a proportion of their profits to their local government, the local government can even profit from such critical news reports.

Second, newspaper organizations can produce critical news reports based on published news reports. In Guangzhou, the *Southern Metropolis Daily*'s outspoken reporting benefits newspapers in lower positions of the government hierarchy. As one journalist at the *Yangcheng Evening News* explained, "If *Southern Metropolis Daily* has already reported on a problem, we can continue to report it, given that the news is already released and we are not the first newspaper to stir up trouble. The existence of multi-level newspaper organizations and government agencies in a city actually benefits all of the parties involved" (June 2011, Guangzhou). In essence, the fragmented political structure in Guangzhou made political domination more penetrable.

Of course, the fragmented political structure did not fully shield Guangzhou newspapers from political repression. Critical news reports produced by Guangzhou newspapers can and did trigger repression, and battles between journalists in Guangzhou and regulatory agencies have been common since the late 1990s.¹⁵ Though periodic crackdowns obviously thwart the autonomy of newspapers, Guangzhou journalists – nourished by politically-oriented collaborative networks – are still able to pursue critical news reporting and advance socio-political change.

¹⁵ The Propaganda Department of the central government constantly corrects the Southern Media Group. According to internal documents of the Propaganda Department, the Southern Media Group reports too much negative news, satirizes socialism, employs the same language that the opposing forces in the West use to attack China, and promotes Western democracy. After the *Southern Metropolis Daily* disclosed the outbreak of Severe Acute Respiratory Syndrome (SARS) in 2003, the Guangdong Department of Propaganda appointed its top official as the editor-in-chief of the Southern Daily Group, in order to directly control news production. In 2004, the Guangdong government detained the chief editor of the *Southern Metropolis Daily*. Thanks to the help of lawyers with whom he had collaborated, this editor was finally released by the government. These are just some instances of government repression.

Beijing and Fuzhou: Partial Collaboration

The narratives about critical news reporting in Beijing and Fuzhou are closely related to that in Guangzhou, but show a different pattern of unfolding. Although newspapers in Guangzhou were often targets of repression, they were still relatively successful in several respects. Guangzhou newspapers gained market revenue, resisted political pressure, and earned the respect of readers and journalist communities throughout China. As a result, the strategies and practices of Guangzhou newspapers were often emulated by newspapers in other localities. My interviewees in Beijing and Fuzhou said that journalists there adopted the same collaborative practices with legal experts as had journalists in Guangzhou. However, due to different configurations of political, economic, and professional power, the newspapers in Beijing and Fuzhou were not as successful in their efforts to produce critical news reports.

Similar to the situation in Guangzhou, the structure of state agencies in Beijing and Fuzhou meant that the political power structure was fragmented and, thus, susceptible to political resistance. Multi-level Propaganda Departments and newspaper organizations coexist in Beijing and Fuzhou. Since Beijing is a municipality and the national capital, both national- and provincial-level Propaganda Departments and newspaper organizations reside there. And like Guangzhou, Fuzhou city is the provincial capital of the Fujian province, so both provincial- and city-level Propaganda Departments and newspapers reside in Fuzhou. As I have stated, newspaper organizations are incorporated into the state apparatus. In general, a Propaganda Department only directly supervises newspaper

organizations that are comparable to them in the official hierarchy, and this division of labor can create problems.

The multi-level, bureaucratically fragmented Propaganda Departments in Beijing and Fuzhou cannot censor every critical news report coherently. Departments of Propaganda usually have *ex post* review¹⁶ and rely on newspapers to censor themselves, but how that self-censorship is enforced varies across newspapers. My interviewees at the *Beijing Times* and the *Strait Metropolis Daily* mentioned that the institution of *ex post* review and inconsistent monitoring by the fragmented government structure increase the likelihood that media and legal professionals in Beijing and Fuzhou will be able to critically report the news. “The government cannot function without division of labor,” a journalist with the *Strait Metropolis Daily* told me, “but cracks often emerge from the division of labor” (August 2011, phone interview). When conducting *ex post* review, different Departments of Propaganda do not necessarily have consistent standards and need time to coordinate their efforts. By the time that regulatory agencies agree that a news report is problematic, the story has often already been published and circulated. My interviewees at the *Beijing Times* and the *Strait Metropolis Daily* said that this lag is beneficial, as certain issues and framings are acceptable when and if those issues or framings have already appeared in other newspapers.

But even though journalists can take advantage of the fragmented political power structure in Beijing and Fuzhou and produce critical news while sidestepping censorship, such actions were not as common in these sites as they were in Guangzhou due to other

¹⁶ *Ex post* reviews are conducted by the Department of Propaganda after news reports are published.

structural conditions. First, the less competitive markets for news in Beijing and Fuzhou gave newspaper organizations greater power over readers and public-spirited journalists. Journalists for the *Beijing Times* and the *Strait Metropolis Daily* acknowledged that since the newspaper markets in Beijing and Fuzhou were less competitive than in Guangzhou, local newspapers in these areas experienced less pressure to satisfy market demands, even though readers there expressed a similar desire to know more about social problems. As a result, the managerial cadres in Beijing and Fuzhou newspapers did not see a pressing need for journalists to collaborate with legal or other experts.

Second, the weaker community of professional journalists in Beijing and Fuzhou was unfavorable to critical news reporting. Compared with the situation in Guangzhou, fewer journalists at local newspapers in Beijing and Fuzhou really committed themselves to citizen advocacy. More journalists saw themselves as ordinary wage laborers instead of professionals. “Critical news reporting,” said a journalist for the *Beijing Times*, “requires team work. A single hero cannot make it. You need to have colleagues who support each other and push the managerial cadres to take more risks. Journalists in Guangzhou have more peer support” (June 2011, Beijing). Journalists for local newspapers in Beijing and Fuzhou were not as motivated as their Guangzhou counterparts by professional ideals or the desire to advance social change and thus were less supportive of one another. So, while lower competition allowed Beijing and Fuzhou newspapers to take readers’ demands less seriously, the weaker professional community in each site also made it more difficult for ambitious journalists to produce critical news reports.

This configuration of political, economic, and professional power impacted the extent to which journalists in Beijing and Fuzhou utilized network mechanisms to produce critical news reports in two related ways. First, these structural conditions impacted the *scope* of collaboration. Legal professionals did work with the *Beijing Times* and the *Strait Metropolis*, but their role in news production was relatively limited compared with what was taking place in Guangzhou. Legal professionals helped journalists in Beijing and Fuzhou to analyze social problems, while also writing commentaries on social problems for newspapers, but they did not have much substantive participation in news selection and investigation. As a result, the ability of journalists to stretch the gray area of news reporting was much more limited.

Second, the structural conditions in Beijing and in Fuzhou also impacted the *nature* of collaboration. Networks developed between legal experts and journalists in Beijing and Fuzhou were less politicized compared with those developed in Guangzhou. Although many interviewees in the Beijing and Fuzhou collaborative networks saw critical news reports as important to the development of an informed citizenry and the rule of law in China, few of them alluded to critical historical events that motivated them (e.g., the 1989 Tiananmen protests), or to their own efforts to bring about social or political change. Unlike their counterparts in Guangzhou, journalists and legal professionals in the Beijing and Fuzhou collaborative networks did not share a cohesive political agenda. As a result, when they perceived considerable political risk, their lower level of enthusiasm and commitment about advancing socio-political change led them to err on the side of political safety.

In sum, although journalists in the *Beijing Times* and the *Strait Metropolis* sought access to resources in the legal field, they were unable to make full use of collaborative networks for the purpose of critical news reporting. As a result, the overlap of the newspaper and legal fields yielded fewer critical news reports in Beijing and Fuzhou than in Guangzhou.

Shanghai: Stifled Collaboration

Similar to their counterparts in Beijing and Fuzhou, newspapers in Shanghai were influenced by the collaborative model of critical news reporting in Guangzhou, but they had even less success in adopting the model. When considering how to enhance market and professional performance in the early 2000s, journalists in Shanghai looked to other newspaper organizations and Guangzhou newspapers stood out as examples. Similar to journalists in Guangzhou, Shanghai journalists found that readers were eager to know more about emerging social problems. These journalists also realized that the rule of law, which was intertwined with these problems, was the key to understanding and resolving them. A journalist in *Shanghai Morning Post* recalled:

Many problems have occurred in the process of China's economic development. For example, workers cannot get their wages. People without urban dweller status are treated as second-class citizens due to the household registration system. There are various problems, and we realize that every problem is related to unenforced or unjust laws. Things were not like that in the past. Because of the importance of law in everyday life and in official rhetoric, we thought that collaborating with the legal profession, as Guangzhou journalists do, would be a great idea. (August 2011, phone interview)

Yet, Shanghai journalists who were zealous about Guangzhou's collaborative practices experienced great difficulty transplanting the model to Shanghai. Similar to the situations in Beijing and Fuzhou, the structure of the newspaper market and of the journalist community in Shanghai was not favorable to the adoption of the Guangzhou model. The competition in the Shanghai newspaper market was not as high as in Guangzhou. Many managerial cadres in Shanghai newspapers tended to believe that their newspapers could be profitable without taking political risks. The professional community of journalists in Shanghai was also weaker than in Guangzhou. Some journalists were enthusiastic about satisfying readers' demands for more information about social problems, but their numbers were relatively small and they were unable to bring about change in their organizations. One journalist who moved to Shanghai from Guangzhou in order to be a "pioneer" shared his experience with me. Because Guangzhou already had so many ambitious journalists, he thought he could make more of a difference in Shanghai. But even though his colleagues in Shanghai respected him, he still was unable to change the practices in his organization. His experience shows the importance of a supportive professional community to the adoption of the Guangzhou model. He eventually returned to Guangzhou in order to join that community once again.

Unlike journalists in Beijing and Fuzhou, Shanghai journalists encountered a further obstacle – concentrated political power – when attempting to adopt the Guangzhou model. As I have mentioned, the multi-level Propaganda Departments in Guangzhou, Beijing, and Fuzhou created fissures and spaces for journalists and legal professionals to produce critical news reports. In comparison, a single Propaganda Department directly regulates

and monitors every local newspaper in Shanghai, and no newspaper organization is higher than the Shanghai Propaganda Department in the official hierarchy. When officials in the Shanghai Department of Propaganda determine that news content is inappropriate, they call newspaper organizations directly to issue a warning. Sometimes the officials also notify other newspaper organizations in Shanghai to prevent them from covering the inappropriate stories. Essentially, the single-level government structure in Shanghai facilitates an extremely effective form of censorship that is much easier to enforce.

The less fragmented political power structure in Shanghai substantially restricted collaboration between legal experts and journalists. The legal profession had little opportunity to comment on social problems or to participate in news topic selection, investigation, or framing. To be sure, Shanghai newspapers did invite legal experts to write commentaries, but collaboration often ceased following intervention by the Shanghai Propaganda Department. A journalist at the *Shanghai Morning Post* explained:

We did want to have collaboration with legal professionals and public intellectuals, but there were a lot of difficulties. Local government officials, especially those in the Propaganda Department, frown on such collaboration. They call us when they see our reports. Knowing our situation, potential collaborators tend to prefer working with news organizations that give them more freedom. (July 2011, phone interview)

Apparently, the concentrated political structure not only interrupted ongoing collaboration, but also discouraged legal professionals from working with Shanghai newspapers at all.

Owing to the unfavorable structural conditions in Shanghai, although the institutional overlap of the newspaper and legal fields created a structural opportunity for cross-field collaboration and critical news reporting, the reports that resulted tended to

align with the original purpose of the law dissemination programs – helping citizens obey the law and strengthening the government’s legitimacy. Instead of producing critical news reports, the overlap of the newspaper and legal fields spurred two kinds of news reports in Shanghai. The first entailed journalists touching base with government officials in charge of legal affairs to obtain relevant laws, policies, and court decisions and then simply disseminating them verbatim. As one journalist at the *Shanghai Morning Post* stated:

The government wants us to disseminate laws and policies. Readers also want to know more about laws... We usually copy and paste court and other official documents. We seldom have our own commentaries. Many of us are sympathetic to the Southern Media Group’s views, but what we can do is very limited. (August 2011, phone interview)

The second kind of report contained accounts of happy stories in which journalists narrated how citizens used the law to combat injustice and how the government protected citizens’ rights. Successful stories of legal mobilization satisfied not only the government’s demand for “positive” propaganda and law dissemination, but also readers’ demand for legal knowledge (Stockmann and Gallagher 2011). Instead of interviewing legal profession who knew the odds of successful legal mobilization, journalists were pressured into interviewing only those citizens who were lucky enough to experience justice. In the process of producing both types of reports, journalists in Shanghai did not use the law to reveal fundamental problems in Chinese society; rather, they helped the state to advance its authoritarian political order.

In summary, although the institutional overlap between the legal and newspaper fields created opportunities for journalists to access resources in the legal field, the

bureaucratically efficient Propaganda Department, the less competitive newspaper market and the weak journalist community in Shanghai stifled collaboration between the media and legal professions. As a result, journalists in Shanghai were not able to transform resources into critical news reports.

4.4. DISCUSSION AND CONCLUSION

To review, my empirical analysis examined when and why newspapers in China are able to produce critical news reports despite the limited freedom of the press. Using content analysis, I established that considerable variation exists among five selected local newspapers in terms of critical news reporting. By analyzing in-depth interview data, I found that the overlap between the newspaper and legal fields created by institutional and network mechanisms facilitated critical news reporting and helps to explain this variation. With the Chinese state's shift to law as a new mode of domination, the legal field became a critical site providing valuable resources for journalists to resist political pressure and produce critical news reports. The Chinese state's use of media to disseminate law further forged a bridge connecting the newspaper and legal fields. Nevertheless, the extent to which newspapers were able to utilize resources in the legal field through network mechanisms was conditioned by the structural conditions in the newspaper field. In Guangzhou, a strong professional community, competitive market, and fragmented political power structure combined to allow journalists there to produce a considerable amount of critical news reports through substantial collaboration with pro-liberal legal professionals. In Beijing and Fuzhou, although the fragmented political power structure provided some space for critical news reporting, the relative weakness of the journalist

community and the less competitive market in these locations hindered the scope of collaboration and limited the amount of critical news reporting. Finally, in Shanghai, critical news reporting was even less common as collaboration between the two professions was largely stifled by the concurrence of a weaker journalist community, a less competitive market, and a more unified political power structure. I discuss the contributions of these findings below.

By examining variation among Chinese newspapers in terms of critical news reporting, my empirical analysis provides a more nuanced picture and understanding of Chinese media. The conventional view tends to see mass media as uniformly unbeneficial to the advancement of democracy (Graber 2003). Conforming to this view, scholars writing about the Chinese context often describe Chinese media as being successful in propagandizing for the government and pursuing economic benefits (Stockmann and Gallagher 2011), but uninterested in democratic causes (Pan 2010; Zhao 2004). My analysis reveals a more complex picture. The conventional description is, indeed, applicable to certain Chinese media, but my empirical evidence suggests that existing research underestimates the democratic ambition of some Chinese media. As I have shown here, journalists in Guangzhou newspapers were open about their increasing disillusion with and even opposition to the CCP over time, as well as their aim of bringing about socio-political change through critical news reporting. The beliefs and practices of these journalists reveal that, under certain conditions, members of the Chinese media can and do use their embeddedness within state agencies to pursue agendas that may contradict with newspapers' designated political role in the Party-state. Accordingly, I

echo the argument of Zhao and Lin (2008) that existing studies tend to overlook the democratic aspect of Chinese media, and I complement their national-level observation with a sub-national level analysis.¹⁷

In addition to showing the heterogeneity of Chinese newspapers, my study also contributes to a deeper understanding of the conditions under which newspapers in China are more likely to fulfill their democratic role in normative theories. I did this by developing a theoretical framework that highlights field overlap mechanisms (Evans and Kay 2008) and applying this framework to examine critical news reporting in China. My theoretical framework helps to reveal critical aspects that are not considered in previous studies of Chinese media. Previous literature suggests some possible conditions under which Chinese journalists are likely to produce critical news reports. The first condition that is presumed as necessary is often autonomy from political authority. Unfortunately, Chinese media are not situated in free spaces – spaces in which actors have freedom from authorities (Evans and Boyte 1992; Polletta 1999). Instead, the government exercises political control over media on a regular basis. The second possible condition is the presence of alliances between journalists and other social groups, enabling the former to resist political pressure. Here again, existing research quickly points out that the absence of opposition parties and independent citizens' groups in China limits this possibility (Zhao 2000c:591). I agree that social networks bridging the newspaper and other fields can facilitate critical news reporting, but unlike existing research, I argue that such alliances may be more likely than currently thought and, in fact, are already happening

¹⁷ Zhao and Lin (2008)'s argument is based on comparison of Chinese and Western media.

today. My argument diverges from the conventional assessment of Chinese media because, crucially, I incorporate institutional field overlap into my analysis. I find that the institutional process through which the Chinese state exercised political control and strengthened its legitimacy – specifically, by building legal institutions and disseminating legal knowledge – enabled the formation of cross-cutting networks in certain locations and inadvertently created conditions conducive to critical news reporting.

By highlighting the importance of the legal field to critical news reporting, this study is able to analytically parse out and empirically demonstrate the social and cultural mechanisms that translate legal institutions into resistance. In so doing, I contribute to the literature on law and resistance. Although previous research points out law's role as both an instrument of domination and resistance (Bourdieu 1987; Burstein 1991; Ewick and Silbey 1991; Hunt 1990; McCann and March 1995), little attention has been paid to how legal institutions influence the formation of social relationships and, therefore, how these social relationships impact the cultural aspect of resistance. This study shows that the Chinese state's shift to law as a new mode of domination and its use of media for law dissemination impacted resistance by shaping the social and cultural aspects of news production. Once law was established as the new form of symbolic order in China, resistance was channeled into the legal arena. And by then relying on media to diffuse law throughout society, the Chinese state opened the way for collaboration between the media and legal professions. Importantly, the Chinese state did not have full control over the formation of collaborative networks. In Guangzhou, the strong professional journalist community there was able to form pro-liberal collaborative networks. This collaboration

and the state's public embrace of the rule of law – however flawed and uneven that embrace may be – enabled journalists to appropriate law to uncover social problems and expand the space for critical news reporting. Essentially, the Chinese state's incomplete control over the social dimension of the institutional processes it set in motion and over the cultural interpretation and application of law created conditions that actually enabled critique of the state.

This study also contributes to the emerging literature on field overlap in two ways. First, I propose a more parsimonious classification of field overlap mechanisms that distinguishes between institutional mechanisms and network mechanisms, but also theorizes their relationship as non-mutually exclusive and interdependent. As Evans and Kay (2008) point out, more theoretical and empirical work is needed to examine the importance of different types of field overlap mechanisms for political contention. My findings suggest that different types of field overlap mechanisms are important in distinct ways. Field overlap through institutional mechanisms enables the creation of network mechanisms that, in turn, play a crucial role in directly aiding resistance. In my study, if the Chinese government had not enacted its policy of law dissemination that bridged the media and legal fields, it would have had been much more difficult for journalists to collaborate with legal experts in the first place, given the government's hostile attitude to cross-boundary interactions. This was thus the first necessary, but not necessarily sufficient step. It was then the creation of social networks in specific locations with specific conditions that then made it possible for journalists to access resources in the

legal field and produce critical news reporting. Both kinds of field overlap mechanisms were necessary and they operated in intersecting, yet distinct ways.

Second, my study calls for greater attention to the contingent and heterogeneous effects of field overlap and demonstrates how power distribution in a field can impact the use of field overlap mechanisms. Previous studies point to the structural importance of field overlap to political mobilization, but little research has been done to explain why only some actors are able to utilize such opportunity. By investigating how structural conditions – the configuration of political, economic, and professional power – in the newspaper field constrained and enabled field overlap mechanisms, my study helps to identify the conditions under which actors can better utilize such mechanisms and mobilize for political change.

As the relationship between media and the public is at the heart of civic life and democracy, this study also has three broader implications. First, my findings about the neglected aspect of Chinese media can provide some insight into the study of social movements and push us to rethink some common assumptions in the literature on social movements. In current social movement theory, already limited given its overwhelming focus on liberal democracies, nongovernmental organizations (NGOs) are major actors that aim to bring about social change (Tarrow 1998), and they vie for the attention of depoliticized mass media to advance their political agendas (Bail 2012; Gamson 2004; Rucht 2004). My findings provide a different insight – namely, that media organizations in authoritarian contexts can act as *de facto* social movement organizations under certain conditions *despite* and, indeed, even *because* of their embeddedness in the authoritarian

state. This insight calls for more reflexivity in applying the prevailing social movement framework to authoritarian contexts as this framework may underestimate the role of media in social movements.

Second, my findings illuminate the study of the public sphere in authoritarian contexts. Research on the public sphere often accuses mass media of contributing to a degenerated public sphere and depoliticized citizenry (Bourdieu 2001; Habermas 1989; Mills 1956). The existence of media that produce critical discourse, connect with social groups, and behave as *de facto* social movement organizations in China, however, suggests that under certain conditions media can contribute to the public sphere and to the formation of publics in ways that are not captured in current literature.

Finally, this study can shed some light on how to understand the state-society relationship and political resistance in authoritarian contexts. Conventional wisdom about the relationship between authoritarian states and civil society is that the former inhibits the latter, while only ties between non-state actors strengthen the capacity of civil society (Cohen and Arato 1992:446). The conventional wisdom is not so much wrong, as inattentive to the unintended consequences of state action and to the level and implications of incoherency within the state. The case of critical news reporting in China suggests that authoritarian states may inadvertently contribute to the growth of civil society in the process of building legal institutions, in part through the action of some state actors who are sympathetic to non-state actors. As a result, linkage between state and non-state actors may strengthen social forces as well. Accordingly, research on political resistance and civil society in authoritarian contexts should attend to the institutional

processes that connect state and non-state actors to understand potential paradoxical effects of such processes. Similar to China, many other authoritarian states now embrace “rule of law” to govern their populaces, and while these authoritarian states understand “rule of law” in oppressive terms (Tamanaha 2004:2-3), the building of legal institutions may lead to unintended consequences in aiding collective political resistance nonetheless.

In closing, however, it is important to acknowledge that the findings of this research are still limited in two ways and, thus, invite further study. First, the generalizability of my findings can be restricted by case selection. I restricted my analysis to news produced by newspapers. In addition, the selection of newspaper organizations for this research was restricted to the coastal region of China in order to facilitate comparison. Further research examining newspapers and other kinds of media organizations across regions is needed to examine the generalizability of my findings. Second, a growing body of research demonstrates the Internet has impacted politics in China, particularly through contributing to an increasingly critical citizenry and citizen activism (Lei 2011; Yang 2003; Yang 2009). It is reasonable to expect that information communication technologies have also affected the journalist community and its alliance with other social groups, which could further impact field overlap and the ability of journalists to produce critical news reports. Fruitful future research could examine the extent to which and the conditions under which information communication technologies impact journalists’ news production and resistance.

METHODOLOGICAL NOTES

Supplementary Notes on Case Selection

1. I excluded non-comparable news organizations from the selection pool. Beijing is the national capital and both national and local newspapers operate there. Since national newspaper organizations (e.g., *China Youth Daily*) are situated in a different political environment and market than local newspaper organizations, I did not select national newspaper organizations. In addition, I excluded local newspaper organizations with cross-regional backgrounds. The Chinese state allows few newspaper organizations to engage in cross-regional collaboration (e.g., *Beijing News*). I did not select these organizations because they are embedded in unique and more complicated power structures than those of ordinary local newspaper organizations.

Supplementary Notes on Content Analysis

1. To determine what constitutes critical news reports, I asked subjects to name three important societal problems and solutions to these problems that journalists should report if there is no pressure. My research assistant and I combined similar responses into categories and then selected the categories that were mentioned by at least 75% of the subjects.
2. I used two methods to decrease the potential bias that results from using keywords for preliminary selection. First, I kept improving the list according to feedback from

my interviewees, who are familiar with how journalists across news organizations report relevant issues. Second, I used synonyms of the keywords for selection. One powerful feature of WiseNews is its integrated thesaurus, which allows for a comprehensive search by keywords.

3. My research assistant and I read through each article. Following a protocol, we independently decided whether it discussed the relevant dimension in the domestic context. According to the protocol, discussion of the relevant dimension does not need to be the main idea of the article. Any discussion, regardless of its length, suffices. I calculated Cohen's kappa (Cohen 1960) to assess the interrater reliability. The agreement score (0.89) suggests excellent agreement. We deliberated and made a collective decision on the rare occasions when we had different opinions.

Chapter 5

Amplifying Limited Liberalization Effects: Boundary Processes and the Creation of a Nationwide Counterpublic Sphere

In Chapter 2, I established the existence of a flourishing nationwide counterpublic sphere in China. Through a longitudinal study from 1949-2010, I located the rise a nationwide counterpublic sphere in the post-2005 period. With the rise of public opinion and the state's continued effort to contain it, particularly its more dissident voices, the tension between official and excluded discourses has become increasingly salient and constant. As many academic writings and commentaries in Chinese newspapers have pointed out, China's discursive space has split into two parts. One part is composed of official discourse that promotes the government's agenda; China is described as full of hope and the Chinese state is framed as competent and accomplished. The other part is comprised of discourse produced by Chinese people that not only reveal societal problems, but also harshly criticize the CCP Party-state (He 2008; McCormick and Liu 2003; Zheng and Wu 2005; Zhou 2009). Although this latter discourse is considered deviant and non-mainstream by the Chinese state, it has influenced the development of public events and the state's decision making.

Both the Chinese government and scholars attribute the cause of surging public opinion in China, particularly the emerging critical public discourse, to the rise of the Internet (He 2008; McCormick and Liu 2003; Tai 2006; Yang 2009; Zheng 2008; Zhou 2006). Commentaries in newspapers such as the *People's Daily* and the *Beijing Daily* exemplify this view, suggesting that the Internet has contributed to the formation of a nationwide venue where non-mainstream viewpoints and criticisms of the state circulate.¹ Unlike conventional explanations that link the Internet or information communication technologies (ICTs) to the growth an influential counterpublic sphere in a relatively simple or automatic manner, I argue that the rise of such a sphere in China can be traced to institutional, cultural, and social processes that predate, but were significantly impacted by the development and diffusion of ICTs. Specifically, the development and diffusion of ICTs expanded the media field, extended pre-existing social and cultural processes, and triggered the formation of a boundary that framed state and citizens opposite one another. As such, an adequate account of the rise of the counterpublic sphere should consider how the institutional and socio-cultural contexts that I investigated in Chapters 3 and 4 enabled individuals to shape the emerging online discursive space and delineate the contours of a nationwide counterpublic sphere.

In order to make this argument, I first review the literature on the political consequences of the Internet in China. Then, I draw on the concept of boundary process to study the development of China's counterpublic sphere, showing how the concept helps to theorize the multi-level processes that shaped China's emerging counterpublic

¹ *People's Daily*, 2 September 2011; *Beijing Daily*, 10 October 2011.

sphere. Next, I review my research methods and data analysis strategy. After that, I present the results of my empirical analysis. I first show the meso-level process that connected the previous institutional and socio-cultural processes, as detailed in Chapters 3 and 4, to the development of the online news market. Then, I show how this meso-level process led to the politicization of citizens at the micro-level, which, in turn, delineated the contours of the emergent nationwide counterpublic sphere. Finally, I summarize the research findings and discuss their contribution to the existing literature.

5.1. AN ANALYSIS OF THE COUNTERPUBLIC SPHERE FROM THE PERSPECTIVE OF BOUNDARY PROCESS

In this section, I develop a theoretical framework to account for the emerging counterpublic sphere in China. I begin by discussing the conventional approach to studying the rise of public opinion. Drawing on the notion of boundary processes, I argue that an adequate theoretical framework should incorporate an analysis of the structure of the expanded media field after the adoption of the Internet and consider how actors in the expanded media field interact with broader cultural contexts to participate in boundary making.

5.1.1. The Conventional Approach to Studying the Rise of Public Opinion

Existing studies of the rise of public opinion in China consider the technological differences between the Internet and traditional media, and examine how the technological properties of the Internet have brought about democratic prospects. Research points out that the Internet significantly decentralizes the media system that has

been dominated by the Party-state. Despite continuing censorship, the Internet has led to the production and dissemination of more diverse information and communication, thus diminishing the monopolistic power of the Chinese state. Furthermore, the Internet also creates new social space for interaction, aiding insurgent politics and social movements to confront the state. Through increased interaction with other citizens and increased exposure to diverse points of view, citizens have developed political interests, critical attitudes, and a greater ability to resist state manipulation (Hung 2003; Lagerkvist 2005; Lei 2011; McCormick and Liu 2003; Rosen 2010; Shen, Wang, Guo, and Guo 2009; Tai 2006; 2008; Yang 2009; Zheng and Wu 2005; Zheng 2008). More sophisticated studies consider not only the impact of the Internet, but also the role of mass media in setting the public agenda and influencing online public discourse (Qian and Bachman 2010; Yang 2005; Zhao 2008; Zhou and Moy 2007).

Despite their contributions, existing studies that examine the rise of public opinion in China have two major weaknesses. Both weaknesses derive from the narrow focus of the research. First, existing studies are susceptible to the critique that they pay insufficient attention to how contexts shape the political impact of the Internet. Guillén and Suárez (2006) suggest the existence of a “rich-get-richer” effect, arguing that countries that are already democratic are better situated to utilize ICTs politically as they have a more solid political and cultural foundation. Conversely, ICTs are unlikely to help spread democracy within authoritarian countries, precisely given their already insufficient democratic foundation. Guillén and Suárez (2006)’s concern is consistent with Habermas’s (1996:359)(1996:359) theory of the public sphere. According to Habermas (1996:359), a

public with the capacities to identify, interpret, and present society-wide problems is the most critical condition for a mobilized public sphere. Importantly, such capacities are embedded in “liberal patterns of political culture and socialization.” In essence, the contexts in which ICTs are employed influence whether ICTs can enhance democratic political culture and practices, as well as the capacity of individuals to discuss society-wide problems. Accordingly, an adequate analytical framework should consider how broader contexts in China shape the ways in which actors utilize ICTs to formulate critical public discourse.

The second weakness of existing studies is their inadequate accounting for the collective antagonism against the Chinese state in the emergent public opinion. Research in Chinese studies suggests the Chinese state has generally been successful in generating regime legitimacy at the mass level (Nathan 2003; Stockmann and Gallagher 2011). Studies have also found that Chinese people believe the central state is benevolent despite corrupted local governments (Lee 2007), that Chinese people do not have rights consciousness (Perry 2008), and that Chinese people are satisfied with the status quo in spite of increasing inequality (Whyte 2010; Xie 2010). All of which begs the question, then, of how to explain the prevailing antagonism against the state in recent public discourse. Studies of the rise of public opinion in China do not sufficiently address why and how individuals have become antagonistic to the Chinese state – enough so to form a flourishing counterpublic sphere – and what role the Internet or ICTs have played in the process. Since conditions that led to the antagonism between the state and citizens are

likely rooted in broader contexts, a narrow focus on the media system alone, particularly the use of ICTs, is unlikely to account fully for the antagonism.

5.1.2. The Formation of a Counterpublic Sphere as Boundary Processes

To address the inadequacy of existing studies, I propose to draw on the concept of boundary processes to analyze the formation of China's nationwide counterpublic sphere. A public sphere mediated by communication technology is essentially a non-face-to-face community "linked primarily by common identities but minimally by networks of direct interpersonal relationships" (Calhoun 1991a:95-96). Lamont and Molnár (2002) suggest that boundaries provides useful analytical tools to explain the formation and development of communities. Indeed, as boundaries establish commonality, distinction, and opposition (Tilly 2005), an analysis of boundary processes is indispensable for studying the formation of a counterpublic sphere. My proposed framework is composed of two nested parts. The first analyzes how the media field expanded and was restructured with the adoption of the Internet, and how this, in turn, impacted the boundary-making processes that constituted a counterpublic sphere. The second part addresses how actors in the expanded media field interacted with broader cultural contexts and participated in boundary making.

The structure of the expanded media field

Similar to existing studies of rising public opinion in China, my theoretical framework acknowledges the critical role of the Internet in the development of the public sphere. Anderson (1983) has shown in *Imagined Communities* that when information is disseminated widely, "imagined communities" can be constituted despite the lack of

face-to-face interaction (Anderson 1983). And, as Yochai Benkler (2006) convincingly argues in *The Wealth of Networks*, the Internet has many novel technological properties that make it an exceptional medium for disseminating information, connecting individuals, and providing a playground on which individuals can interact with other actors.

But unlike existing studies, I incorporate a more comprehensive analysis of how the media field was reconstructed by various actors with the adoption of the Internet. Instead of analyzing how the Internet changes individual behavior and interaction directly, I analyze how the emergence of new technology reshaped the media field – a critical context impacting interaction and boundary making. As literature on news production suggests, political, market, and professional power all play a part in shaping the media field and influencing news production, and varying configuration of political, market, and professional powers can contribute to public spheres with different political cultures (Benson and Neveu 2005; Boggs 2000; Champagne 2005). Accordingly, understanding the interplay of different kinds of power is critical to the study of the public sphere.

This important insight, however, is lost in studies related to the Internet in China. Thus far, most studies only focus on the control mechanisms of the Chinese state and tug-of-war conflicts between the state and Chinese people. They overlook how key non-state actors, particularly, business organizations and media professionals, can jointly structure the expanded media field. As such, existing studies neglect the possibility that previous developments in the media field, especially the social and cultural processes in the press market that were detailed in Chapter 4, can impact the structure of the expanded media field. In short, because the structure of the media field is a critical context that

moderates the interaction of actors, dissemination of information, and, therefore, boundary-making processes, I incorporate an analysis of it in my theoretical framework.

Boundary-making processes in the expanded media field

The second component of my theoretical framework highlights how actors in the expanded media field interact with broader cultural contexts to participate in boundary making. This analysis highlights the processes that culminated in the formation of the counterpublic sphere in China. As large-scale, non-face-to-face community is connected mainly through common identities and minimally by directly interpersonal relationships (Calhoun 1991a), an analysis of boundary processes requires paying particular attention to how individuals draw on a shared symbolic structure to create a common identity and differentiate insiders and outsiders. Symbolic structures are conceptual and cultural distinctions that social actors create to classify objects, people, and practices (Alexander 1992a; Alexander 2006; Lamont and Molnár 2002). They often exist in binary forms with opposing categories of pure and impure (Alexander 1992a; Alexander 2006)). Differences in everyday life, for instance, unequal access to and distribution of resources and opportunities, do not automatically translate into symbolic boundaries that set some members in a society apart from others *unless* actors mobilize a shared symbolic system to politicize and contest those differences.

Symbolic structures differ across contexts. In the Chinese case, the symbolic structure of laws and rights is likely to be critical in the boundary-making process. As I stated in Chapter 3, the prevailing symbolic structures in China transformed enormously

when the Chinese state's replaced the symbolic structure of class struggle with a new symbolic structure framed in terms of laws and rights. My study of critical news reporting in Chapter 4 demonstrated that the symbolic structure of laws and rights provide media and legal professionals with legitimate symbolic resources to partly overcome censorship and uncover societal problems. It is likely that laws and rights can be mobilized by ordinary citizens to delineate the contours of the counterpublic sphere, but I leave this as an empirical question.

The mobilization of symbolic resources can be impacted by the structure of the expanded media field, especially elite networks in the expanded media field. The composition of social networks among media professionals and other elites in the emerging online sector can shape how citizens engage with the symbolic structure. As Tilly (2005:213) has pointed out, elites often play a critical role in political contention even though participation of the masses also impacts the outcome. When well-connected entrepreneurs with knowledge to employ symbolic structures for resistance exist, it is likely that boundaries are politicized and contested. Thus, an adequate analysis of the boundary-making process in the expanded media field should include an analysis of how elite networks formed and transformed with the expansion of the media field and how this network impacted cultural and political processes.

Finally, I propose to examine the politicization of ordinary citizens in the expanded media field because, ultimately, it is ordinary citizens' action that split China's discursive space and led to the creation of the counterpublic sphere. As existing studies suggest that the media can mediate the formation of a common identity (Anderson 1983; Dahlgren

1995) and shared cultural mediums provide a basis for forging identities (Alexander 2006), I propose to analyze how citizens' interaction with other actors and viewpoints in the expanded media field shaped identity, engagement with symbolic system, and political participation. I will also investigate the micro mechanisms through which citizens draw on cultural mediums to generate solidarity, division, and antagonism, as well as the effects of these cultural processes on the development of the public sphere.

5.2. DATA AND METHODS

This chapter draws on 48 in-depth interviews with informants. To understand how the media field was expanded and restructured with the adoption of the Internet, I conducted in-depth interviews with the following categories of informants:

(1) Experienced journalists: In order to investigate the connection between the press market and the newly emerging Internet sector, I interviewed experienced journalists in newspapers who are knowledgeable about the development of the media field before and after the Chinese state's adoption of the Internet.

(2) Media professionals in Internet portals and online communities: Companies like Yahoo in the U.S. are Internet portals. Internet portals and online communities are critical venues where news and public opinion are circulated and produced. I interviewed two categories of media professionals in four top domestic portals, and one Internet community. The first category is media professionals who take high management positions. They provided insider information about the development of the media field, as well as strategies and daily operation of Internet portals and communities. The second

category is media professionals who are in charge of censorship. As these professionals engage with uncensored texts produced by Internet users, they provided me with important information about the boundary-making processes in the online discursive space.

(3) Scholars familiar with media, telecommunications services, and China's WTO negotiations: These scholars provided abundant information about the development of the media field over time.

(4) Officials in the Ministry of Commerce: Officials in the Ministry of Commerce contributed information regarding China's WTO negotiations and the impacts of China's WTO accession on the construction of the emerging online news sector.

(5) Officials in the State Council Information Office: The State Council Information Office has authority to regulate the Internet; my interviews with officials in this office focused on how the government regulates the Internet.

(6) Lawyers and legal scholars: I interviewed lawyers and legal scholars who cooperate with media professionals to shape news reports and public opinion.

(7) Public intellectuals: I interviewed public intellectuals who are public opinion leaders. They come from diverse backgrounds, including journalists, human rights lawyers, scholars, etc. They provided information regarding how they became public intellectuals, how they are connected with other actors, and how they contribute to setting the public agenda and shaping public opinion.

The distribution of informants is provided in Table 5-1. Face-to-face interviews took place in Guangzhou and Beijing between 2009 and 2011. Each interview lasted about two

to two and half hours. All interviews were organized around a set of questions tailored to the respondent's area of expertise. E-mails were exchanged when further information was required.

TABLE 5-1: Interviews with informants.

Categories of informants		Numbers
1.	Experienced journalists	8
2.	Media professionals in Internet portals and communities	12
3.	Scholars familiar with media, telecommunications services and China's WTO negotiations	9
4.	Officials in the Ministry of Commerce	2
5.	Officials in State Council Information Office	2
6.	Lawyers and legal scholars	6
7.	Public intellectuals	9
Total		48

I read through interview notes and transcripts carefully to understand how the media field was expanded and restructured after the adoption of the Internet. To increase the validity of my analysis, I constantly compared interview data from different subjects to determine areas of agreement and divergence. When areas of divergence occurred, I conducted follow-up interviews via telephone or e-mail to clarify and deepen my understanding of the data. I also asked certain interviewees to read and comment on my analysis. Through this process of repeatedly analyzing and triangulating data, I was able to construct a narrative about the development of the media field and the structure of the expanded media field.

The second data source for this study is 50 in-depth interviews with ordinary citizens. Since ordinary citizens are consumers and producers of news and public opinion, I

conducted these interviews to understand how citizens interact with broader cultural contexts and participate in boundary making through the mediation of media. In-depth interviews with ordinary citizens are particularly helpful for understanding the process of politicization at the individual level, given that most research on political communication in China is either based on statistical analysis of survey data, content analysis of online discourse, or interviews with activists. The data sources analyzed by existing studies are limited in understanding the transformation that occurs for ordinary citizens as they experience changes in a broader political environment and participate in discursive arenas.

The distribution of these subjects is depicted in Table 5-2. Subjects were selected according to Internet-use and social class. After the adoption of the Internet, China's media field expanded to incorporate an online sector, and the structure of the online sector differs from that of the traditional media sectors. And as many studies suggest, this difference impacts political communication (Lei 2011; Yang 2009; Zheng and Wu 2005; Zheng 2008). To tease out the effect of online experience, I included non-netizens as a comparison group. As political contention in China is often mobilized along the class lines, position in social structure could presumably influence politicization at the individual level; therefore, I recruited netizens and non-netizens within each social class.

I conducted interviews with ordinary citizens in Chongqing in 2011. Each interview lasted about one and a half hour. I selected Chongqing as the site for two reasons. Chongqing encompasses a rural area along with a core urban area. This made access to subjects with diverse backgrounds easier. Moreover, I had the assistance of a local

collaborator in Chongqing, who helped me to recruit subjects and implement interviews. As my project is politically sensitive, having a local collaborator who could avoid and handle problems was critical.

TABLE 5-2: Interview subjects In Chongqing.

	Netizens	Non-netizens
Peasants	8	5
Working class	9	5
Middle class	9	5
College students	9	0
Total	35	15

Investigating the micro-process of politicization through in-depth interviews in a politically restricted environment requires careful research design. I took two measures to facilitate interviews. First, to increase the possibility that interviewees would reveal their political views, I spent twenty minutes chatting with them before formal interviews to make the interviews less awkward and more relaxed. Second, following William Gamson's (1992) strategy in *Talking Politics*, I used specific issues regarding food safety, land grabbing, and labor disputes as concrete situations to elicit responses. These issues were selected because they are important to ordinary citizens' daily lives. Even citizens with a low level of education can talk a lot about these issues. Furthermore, these issues are not considered intrinsically politically sensitive light in the common sense of politics in China. Conversation about these concrete issues thus provided a more natural and neutral entry point for me to discuss more abstract topics later.

Each interview was organized around a set of open-ended questions. I discussed food safety, land grabbing, and labor disputes issues with interviewees in turn. After I talked

about an issue, I asked interviewees to express their viewpoints on the issue, particularly what they thought about the severity of issue and the cause of the problem, and which categories of actors they associated with the issue, particularly, local governments, the central government, courts, businesses, and citizens. When interviewees made any judgments, I asked them the criteria and rationale according to which they made those judgments. I also asked interviewees how they accessed information about the issue. Furthermore, I asked if any persons or media were especially influential in terms of helping them to know and think about the issue and why. After we discussed three issues, I asked interviewees to discuss the similarities and differences among the three issues. I also asked interviewees to reflect on whether their views of these problems and the associated actors had changed over time. Then, I moved discussion from these specific issues to more general issues in China, such as conflicts and divisions in China and how interviewees evaluated the government. Lastly, I asked a series of questions about media use, selection of media, and various forms of political participation. I also asked subjects to reflect upon whether and how media and Internet use shape their understandings and practices. Through these in-depth interview, my aim was to understand: (1) how interviewees employ cultural mediums to interpret news and public opinion, as well as to participate in the making of public opinion and other political action; (2) how they relate themselves to wider publics, state agencies, and actors in specific cases and in general, and why.

I analyzed interview notes carefully to compare the micro-process of politicization across subjects. The 50 in-depth interviews produced a huge amount of notes. To organize

interview data and facilitate analysis, I read through all the interview notes to develop a set of codes that emerged from the data. Next, I closely reviewed the interview notes again and coded my interview notes. I then identified recurring themes and patterns across the data. Finally, I considered the relationships between categories of subjects and the patterns of responses.

5.3. EXPLAINING THE RISE OF A COUNTERPUBLIC SPHERE IN CHINA

In this section, I present the results of my empirical analysis. I first describe how the media field was expanded and reconstructed by various actors after the Chinese state's adoption of the Internet. Next, I analyze how this reconstruction extended elite networks and cultural practices from the press market to the online news market. Then, I show how the social structure in the expanded media field greatly impacted the selection of news and circulation of information via Internet portals. Lastly, I examine how citizens interacted with broader cultural contexts to participate in boundary making.

5.3.1. Restructuring the Expanded Media Field

The Chinese state's decision to pursue the benefits that accrued with adopting new information communication technologies triggered the expansion and reconstruction of the media field. The Chinese state installed the Internet in 1994, aiming to capitalize on the economic and technological benefits (Tai 2006:129). When the Internet began to boom in China around the late 1990s, the Chinese government planned to turn major news media,

which are state agencies, into influential news providers and propaganda organs on the Internet. However, China's decision to join the WTO impacted the government's plan.²

The Party-state's boundary work in the press market

To understand the impact of the Chinese state's decision to adopt new ICTs and join the WTO, it is necessary to understand the state's boundary-setting in the press market and the Chinese state's strategy to shape emerging online news service. Although the Chinese state created a press market, it established geographical and sectoral boundaries to retain political control over news outlets. Despite the acceleration of media marketization in China since 1992, the Party-state retains control over news media (Lee 2000; Zhao 1998; 2004; 2008). News media are simultaneously market actors and state actors. Only organizations affiliated with the Party-state are allowed to publish newspapers. Most of these organizations are party organs (e.g., local Party committees), government bureaucracies and mass organizations incorporated into the state.³ Since newspapers are institutionally linked with the Party-state, they are organized hierarchically and horizontally, with the Central Committee of the CCP on the top. One important feature of the press structure is that only Party committees are allowed to publish newspapers for general readers. Other organizations can publish only specialized newspapers (e.g.,

² The Chinese government has embraced many aspects of globalization enthusiastically. China initiated economic reform in 1978. Only eight years later, China applied to rejoin GATT, General Agreements on Tariffs and Trade; the goal here was to facilitate domestic economic reform and make reform irreversible. This was necessary as the conservative faction inside the Party was actually strongly opposed to economic reform, and pro-reform leaders, in particular Zhao Zhiyang, hoped that by linking domestic institutions with international ones, it would be harder for the conservative faction to stall or reverse reforms. China finally joined the WTO in 2001 after 15 year long negotiations.

³ See Articles 8 and 9 of the Provisions on the Administration of Newspaper Publication.

business) or newspapers for specific target groups (e.g., peasants). Nevertheless, the power of local Party committees is limited geographically. Although local Party committees are allowed to publish local commercial daily newspapers for general interest, they generally participate only in local press markets. Local daily newspapers are oriented toward local readers. Most local commercial daily newspapers do not have cross-regional and cross-sectoral influence. Even though the state loosened regulations on cross-regional collaboration and operation, newspapers continue to operate, at most, in multiple localities at the local level, or at the national level with a narrow specialization. None of the newspapers are permitted by the central Party-state to publish a national, market-oriented daily newspaper for general readers.

The absence of national market-oriented daily newspapers is a result of deliberate political decisions. Although they are state actors, news organizations are likely to represent interests of a specific faction inside the CCP. News media that have access to the general public nationally could act as a *de facto* oppositional party, threatening the CCP's political monopoly. In one of his important talks, Deng Xiaoping instructed that the state should outlaw connections between individuals across organizations or regions, and prohibit illegal organizations and publications (Deng 1994:271). The ultimate goal is to avoid the emergence of cross-sectoral and regional forces that could compete with the CCP. Such threats can arise from both outside and inside of the CCP. For the central state, local or specialized news organizations are easier to control. They also have smaller political influence. Although there are a few regional news outlets famous for producing critical

news reports and civic discourse, the Party-state can still suppress them. As one journalist said:

There is no commercial daily newspaper for general readers because of the state's policy. Market demand and business interests are strong. Chinese people want to know more about what happens in the country. Local commercial daily newspapers do not satisfy such need. Considering the size of China's population and advertisement market, the press market can definitely accommodate few national commercial daily newspapers. The government continues to restrict this out of political considerations. In some news media, journalists share similar political orientation. The government is unlikely to allow them becoming nationally influential. The possibility that national-level media organizations can be used by factions inside the Party-state is best exemplified by the 1989 Tiananmen protests, in which journalists played an important role in political mobilization (June 2011, Beijing).

The Chinese's state's construction of the expanded media field

Around the late 1990s, the central state attempted to turn major news media, which are state agencies, into key players on the Internet. The government expected that China's national news media, specifically *People's Daily* and Xinhua News Agency, and local press conglomerates would flourish on the Internet. The state could thereby "seize the commanding heights" of the Internet.⁴ Essentially, the state intended to shape the economic and political order in the emerging online news service sector according to the order in the existing press market, which was based on bureaucratic-level and geographic boundaries. This order would benefit Chinese news media economically and help to maintain political control.

Nevertheless, China's decision to join the WTO impacted the central state's plan. Trade in telecommunications was one of the most fiercely debated issues in China's WTO

⁴ *China Journalism Yearbook*, 2001, pp.55-58.

negotiations (Wang 2001). China decided to open its telecommunications service sector, including the Internet information service, but the Chinese government refused to open the media sector (DeWoskin 2001; Lee 2003:12). Importantly, China's plan to join the WTO and deeply integrate itself to the global economy ruled out the possibility that the state could be the sole provider of Internet content service, but this did not mean the state would lose its regulatory power (Hsueh 2011). The entrance to non-state actors, whether foreign or local, in Internet content service could impede the central state's goal of transposing the order in the press market onto the emerging online news service sector. A law professor commented:

The government knew very early that it was impossible to keep the telecommunications sector closed. One important consequence is that the government cannot control the Internet content providers in the same way as it controls news media through employment and promotion even though the state can still impose censorship and other regulations. ...The government's decision to join the WTO opened up opportunities for domestic private players. When people talk about WTO's impacts, they mainly consider WTO's benefit for foreign investors. But WTO has some beneficial impacts on local private actors in China because it limits the state's monopolistic power (June 2011, Beijing).

To minimize non-state actors' potential negative impacts on the state's plan for China's online news service, the central state enacted regulations to secure news media's economic advantages and the state's political control. The Chinese state claimed its monopoly over the definition and production of news information. It defined news information as information on current affairs and politics, including reports and comments on politics, economy, military affairs, diplomacy, and other public affairs. The state then established a distinction between news media and non-news media among Internet news providers. Both categories are required to obtain a license from the state. Although licensed

non-news media can provide Internet news service, they can only reprint news produced by Chinese news media. They are not permitted to collect or edit news themselves. As such, non-news media are forced to rely on news media, which are state actors, to provide online news service. In addition, to prevent foreign capital from controlling Internet news service providers, the state prohibited Internet news service providers from existing in the form of Chinese-foreign joint ventures, Chinese-foreign cooperatives, or wholly foreign-owned entities, although foreign capital is allowed to invest in Internet news providers.⁵ Officials in the central state, at least at one point in time, believed that they could control Internet news as long as the central and local states could monitor news media according to the conventional division of labor, and as long as the state could regulate the few private Internet news providers.

The role of Internet portals in structuring the expanded media field

Ultimately, however, the development of Internet news service deviated from the state's plan. Internet portals, rather than the websites of Chinese news media, have become the most popular sites where netizens go to obtain news. Internet portals were first established in China in late 1998 and obtained approval from the state to provide news service in 2000.⁶ This was one year before China's WTO accession and the very first time in the PRC's history that non-state business actors were permitted to provide news to nationwide readers. Today, China has four major Internet portals: Sina, Sohu, NetEase and Tencent, all of which are among the top ten most popular websites in China according to

⁵ Articles 9 and 22-25 of the Provisions for the Administration of Internet News Information Services.

⁶ *China Journalism Yearbook*, 2002, p. 56.

statistics in July 2013.⁷ They also own and operate very popular social media, particularly Weibo and QQ. The four Internet portals are all publicly-traded companies listed on NASDAQ or HKEX. None of the top ten websites in China are owned by China's domestic news media.⁸

The Chinese state's regulation of the press market inadvertently contributed to the success of Internet portals. Whereas the absence of national, market-oriented, and general-interest daily newspapers helped the Chinese state to control the press, it unexpectedly created a niche for Internet portals. Since Internet portals and newspapers are similar in that text-based content is important, Internet portals actively recruited experienced journalists and editors from the press. By recruiting these professionals, those running Internet portals became cognizant of the fact that the state's restrictions in the press market had created an unsatisfied market demand. Internet portal executives believed that their companies should provide products similar to national, commercial daily newspapers to satisfy this demand. Domestic Internet portals eventually developed a business model that was very different from Yahoo's model. Yahoo mainly provided a directory of websites in order to gain advertising revenues. In comparison, Chinese Internet portals provided voluminous news to attract web traffic in exchange for advertising revenues, regardless of whether they had other important sources of revenue. Chinese Internet portals later integrated blogs, instant messengers, and Weibo (i.e., microblogs) to boost web traffic,

⁷ Retrieved July 10, 2013 from <http://www.chinarank.org.cn/>.

⁸ Another important feature of China's online news service is the unsatisfying performance of multinational Internet corporations, particularly Yahoo China. Yahoo China is not even among the top 200 websites in China. Retrieved March 19, 2012 from <http://www.chinarank.org.cn/>; <http://www.alexa.com/topsites/global:0>; <http://www.alexa.com/topsites/countries/IN>.

while also extending their services to mobile phone users. A nationwide online news market that linked Internet and mobile phone users and crossed the boundaries in the press market thus emerged. An executive at one of the top four Internet portals recalled:

Although Internet portals began to provide news, such development was not planned. In the beginning, we did not realize what they were doing. We just tried to search for doable business models. With the recruitment of experienced journalists, we recognized the capacity of Internet portals and discovered the role of Internet portals as daily market-oriented newspapers for the general public. In the U.S., Yahoo is perhaps the only influential Internet portal that provides news. People visit websites of news media to read news. But we have four major Internet portals in China and people read news on Internet portals. Internet portals in China benefit very much from the boundaries that the government set in the press market (June 2011, Beijing).

There are several reasons why news media in the press market did not dominate the emerging online news market as the state had anticipated. First, as state actors, news media faced strict constraints on capital and ownership structure. By contrast, Chinese Internet portals had access to the global capital market. Due to inadequate capital and the absence of profitable business models to generate revenues from websites, even successful news media were not enthusiastic about investing in their websites. Second, although the state did not allow Internet portals to produce news, intense competition among news media in local or specialized press markets gave Internet portals leverage to obtain news without having to pay high license fees. There are only four major Internet portals, but there are numerous newspapers. Newspapers realized that, with the existence of their competitors in the press market, it would only be to the detriment of newspapers to pass up the chance to boost their visibility on Internet portals. Additionally, Internet portals and local newspapers also found that they attracted different kinds of advertisement. The rise of the former did not lower the latter's revenues from advertisements. Finally, Internet portals can exchange

sports and entertainment news for other news with news media. The official definition of news does not prohibit Internet portals from producing sports and entertainment news. Since celebrities live in major cities, producing sports and entertainment news is expensive for new media outside major cities. As Internet portals are located in major cities, it is convenient for them to produce such news. Taken together, the above conditions resulted in more collaboration than competition between Internet portals and newspapers. News produced by numerous newspapers is thus centralized by the four major Internet portals and spread to online forums, communities, and social media.

Compared with domestic Internet portals, transnational Internet portals, particularly Yahoo, tended to transplant business models that were successful elsewhere, without adequate local adaptation. When its local competitors invested in news service, Yahoo China did not follow. Yahoo China lost its readership quickly, despite initially being the most popular Internet portal in China. Reflecting upon Yahoo China's failure, one former employee said:

The executives in the U.S. did not understand the strong demand for news information in China back in 1998. Although Yahoo's business model succeeded in the U.S. and other countries, demand of Chinese users was very different because of China's political condition. When the executives realized this, it was too late for Yahoo to catch up (June 2011, Beijing).

In addition to providing products similar to national, commercial daily newspapers, Internet portals also developed very successful social media, which play an increasingly important role in the production of news and public opinion. Although the central government monopolizes the power to define and produce news, online forums, blogs, and Weibo give citizens space to define and produce news themselves. Since Internet

portals operate forums, blogs, and Weibo, they aggregate user-generated content swiftly. Media practitioners increasingly look to user-generated content as a potential source of news.

In summary, the Chinese state's decision to adopt the Internet led to the expansion of the media field, but the government's reconstruction of the media field was conditioned by its decision to join the WTO. This reconstruction created opportunities for domestic non-state actors familiar with Chinese local contexts to remove the boundaries in the press market set by the state and form a national online news market.

5.3.2. Extending Elite Networks and Cultural Practices from the Press Market to the Online News Market

With the expansion of the media field, the social networks and political culture associated with bold newspaper organizations spread to Internet portals, the online news market, and online discursive and social spaces. The labor market is an important mechanism that extends the influence of specific news media to Internet portals. Although the latter are not allowed to produce news, there is still room to edit and compile the news, as well as to produce content that is not "news" according to the state's definition. Since the mid-2000s, Internet portals actively recruited journalists to serve as top-level executives and editors as well as to steer the online news service. Despite the expansion of journalism education and the acceleration of media marketization, competent media practitioners were in short supply. The Southern Media Group, a press conglomerate belonging to the Guangdong provincial government, is regarded by media practitioners as one of the very

few news organizations that has attracted and trained competent journalists. The Southern Daily Group publishes the outspoken the *Southern Metropolis Daily* and the *Southern Weekly*. As discussed in Chapter Four, the *Southern Metropolis Daily* and the *Southern Weekly* are famous for producing critical and investigative reports, as well as for promoting citizen identity, civil society, rule of law, and constitutionalism. Although state agencies have cracked down periodically on the Southern Media Group, its newspapers and journalists have been highly valued in the press and labor markets, respectively. Star journalists in the Southern Media Group and a few economic news media were targets of headhunting. With access to the global capital market, Internet portals were able to provide much more competitive packages than news media.

The huge readership of Internet portals and, therefore, the potential social influence was also attractive for ambitious journalists. In the mid-2000s, the Southern Media Group began losing experienced journalists. A large proportion of high-level positions in charge of news service in Internet portals were filled by journalists who worked previously in the Southern Media Group. In this way, the social networks, professional ideals, and political orientation associated with the Southern Media Group spread to Internet portals. These social networks included lawyers, legal scholars, commentators, and public intellectuals who collaborated with the Southern Media Group. Reflecting upon the loss of employees, a former editor-in-chief in the Southern Media Group said:

Owing to the restricted ownership structure, there is weak connection between employees' economic gains and success of news media. Our employees are willing to work here mainly because of their recognition of our values and professional ideals. Recently, my colleagues and I counted the number of journalists that we lost. Around 200 employees moved to Internet companies since mid-2000s. A large proportion of

executives and high-level editors in the four major Internet portals worked in the Southern Media Group. At first we felt very sad about such loss, but we realize that it is actually a good thing since our journalists spread elsewhere our core values, ideals and commitments – building a civil society, enhancing citizenship rights, as well as promoting rule of law. Now many of our journalists take leadership in the Internet sector. They are in a better position to influence more citizens. With the spread of our journalists, we have more alliance elsewhere (June 2011, Guangzhou).

Journalists who left news media and took leadership positions in Internet portals are aware of the national influence of Internet portals and the role of such portals as national daily newspapers for general readers. There is variation in terms of whether Internet portals create a salient political identity, such as a more liberal or critical stance, as well as whether Internet portals form a formal strategic alliance with pro-democratic news media. Yet, what is generally shared by media professionals who took leadership positions in Internet portals is their respect for the rule of law, belief in the importance of civil society, and desire to help society identify problems and search for possible solutions. These media professionals are also inspired by democratic experiences elsewhere, especially in other Chinese societies. Of course, these actors still pursue their aims within political and economic constraints. A vice executive of one Internet portal said:

For me the decision to move from the press to Internet portals was straightforward. I was amazed by the power of the Internet. When recruiting me, my boss showed me the company's web-traffic report. At that time, only the China Central Television had that kind of influence. I was thrilled. For media practitioners, acclaims from the small media circle are not as much worth pursuing as social influence. Ultimately, we want to impact public opinion and how people think. We want to help to build a society in which universal values are respected and citizens have genuine rights. This is indispensable for China's modernization. We attempt to help the society to identify problems and achieve a consensus through providing an information environment where citizens can evaluate competing viewpoints. We know we are an Internet portal with national influence. Of course, we are constrained by the government. The government does use us as a channel to promote official discourse and agendas, but we still have space to pursue our goals... . I benefit very much from my previous working experience. I received excellent professional training, while also cultivating friendship with my colleagues, journalists in

other news media, and experts in other fields. These recourses are precious for me (June 2011, Beijing).

Although Internet portals receive instructions from state agencies on a regular basis, within the limitations set by the state, media professionals in Internet portals are inclined to select news that reflects current problems in China – more specifically, news understood through the lens of citizenship rights. Editors at Internet portals are politically and economically motivated to reprint problem-oriented news, which tends to attract wide readership and trigger discussion, but they also believe that such news deserves public attention and discussion. Moreover, in many high profile public events since 2003, media professionals in Internet portals have worked with those in the outspoken newspapers and legal professionals to mobilize support from citizens and influence the state's decision making. The triumph of public opinion in many public events may appear to result from the unorganized and spontaneous action of netizens, but the collaboration of media and legal professionals actually plays a crucial role in setting the public agenda, framing issues, and mobilizing public opinion.

Ambitious media professionals associated with outspoken newspapers not only extended their networks and practices to major Internet portals, they also attempted to reach the public and other elites through social media. Before the rise of social media, active journalists leaked the results of their investigations anonymously on Internet forums when their investigations were censored. But with the growing popularity of Weibo since 2009, media professionals increasingly use their real identities to disclose information, thus giving the information greater credibility. Media professionals also publicize grievances of ordinary citizens. Disclosing complaints online is perceived by many citizens as the last

resort to restore their rights given the dysfunctional nature of the institutions that do exist presumably to reflect and address citizens' concerns and grievances. Appealing to journalists, rights defense lawyers, activists, and other public opinion leaders to spread information is a common strategy as these actors have extensive online networks that traverse social groups, and the ability to frame problems effectively. By helping citizens to air their grievances and share their views with other citizens, many media professionals extended their influence and became online spokespersons and public intellectuals.

In short, with the expansion and reconstruction of the media field, social networks, professional ideals, and cultural practices associated with outspoken newspapers were spread to Internet portals, the online news market, and ordinary citizens.

5.3.3. An Emerging Boundary between Citizens and the State

The social structure in the expanded media field greatly impacts the selection of news and circulation of information by Internet portals. Over time, the online discursive space mediated by major Internet portals and social media has become a venue where news and information about all kinds of social problems aggregates. This aggregation of various problems had led to the emergence of a salient boundary between citizens and state agencies in the online discursive space.

My interviews suggest that classification practices in the processes of reading and discussing news are key. According to official statistics, 65.7% of Chinese netizens participated in an online discussion in 2008. In 2009, 56.1% of netizens described themselves as often expressing their views online, and 81.7% of them believed Internet use

increased their concerns about the society. Statistics in 2010 found that 80.1% of Chinese netizens read news online.⁹ These data indicate that reading news and expressing opinion online are common practices among the five million Chinese netizens. Media professionals in charge of censorship at Internet portals are extremely familiar with how netizens engage with news and information online, as censors review online comments produced by netizens on a daily basis and have access to uncensored comments. These media professionals described netizens' comments as exercises of moral judgment, in which netizens were identifying victims and culprits. In every piece of news that reveals a problem, there exists at least one victimized citizen whose rights are denied. But when it comes to blame, the stories produced by most news organizations tend to be vague in terms of identifying culprits and specifying the cause of problems, due to political considerations. Some reports even indicate culprits suggested by state agencies, which sometimes means pointing to the victims themselves and citizens who are sympathetic to the victims. This ambiguity in the news and these questionable classifications of victims and culprits often generate contestation. Internet portals and forums give netizens easy ways to comment by letting them share their opinions online or even simply click to indicate whether they are supportive or not of a specific response. Since the most supported comments are usually listed first, it is easy to see the most accepted views.

It becomes clear that ties between certain individuals and government agencies are perceived by the online public to be the most common culprit generating problems.

⁹ Retrieved March 28, 2012 from <http://www.cnnic.cn/uploadfiles/pdf/2008/7/23/170516.pdf>, <http://research.cnnic.cn/img/h000/h11/attach200907161306340.pdf> and <http://www.cnnic.cn/uploadfiles/pdf/2010/1/15/101600.pdf>.

Netizens accuse state agencies, including the central government, of impairing rights, creating obstacles for citizens to restore their rights, and violating the state's obligation to protect rights. Essentially, netizens tend to place state agencies on the unlawful side of the scale of justice established by the state itself. Since state agencies' image as culprits has become fixed in the public mind, even propaganda that acclaims Party-state achievement can backfire in online discursive space. This happens often when the Propaganda Department asks Internet portals to highlight news that promotes the Party-state. State agencies are even seen now as a source of pollution. When an actor is perceived by the online public as associated with the state, this tends to be accompanied by a contaminated reputation. A chief editor of a top Internet portal said:

Chinese people have strong feeling that they are victims of imperialism, but now more Chinese citizens realize that they are victims of unchecked power. The harm inflicted by state agencies is more real as it occurs on a daily basis. Now the true cleavage does not exist between people who belong to different classes, but between people inside and outside the Party-state.

In the interviews, government officials in charge of online censorship admitted that, given the sophisticated censorship, they did not expect the rising oppositional discourse. The key principle of censorship practices is censoring criticism of the central government, criticism of the communist regime, and information instigating collective action. Even though journalists are able to take risks to criticize local governments that lack the authority to supervise them, they are not likewise able to criticize the central government and the communist regime. Under previous conditions when Internet portals were not well established, critical news reports were primarily circulated locally or only among specific social strata (e.g., intellectuals). Critical news reports did not result in serious

consequences at the national level. Under the new Internet conditions, however, news that reveals problems in certain localities and specific government agencies is now broadcasted nationally. Despite censorship, the aggregate of news that passes censorship tends to generate detrimental results at the national level – the negative perception of the state, including the central state, and the communist regime. The key is that censorship practices only focus on individual issues and news, but cannot control how Chinese people relate to the news they consume. It is thus necessary to understand how Chinese people make sense of news and information.

5.3.4. Politicization of Citizens

I draw on interviews with ordinary citizens to understand the micro-process of classification and its effects in generating a shared identity and opposition. As I have stated, subjects were selected according to Internet-use and social class. There are three salient similarities across subjects. First, all interviewees perceive problems in China. Among the top three issues, food safety and land grabbing problems are considered rampant, and labor disputes are considered significant, but becoming less severe. Second, interviewees with different backgrounds use the same cultural medium – laws and rights – to think about and discuss problems. When interviewees made a negative judgment about a specific actor in the interviews, the negative judgment was usually about the unlawfulness of the actor. Interviewees are generally knowledgeable about law, especially law related to their interests. For example, even subjects without secondary education and access to the Internet know their rights under labor laws very well. Third, interviewees tend to think that major conflicts and divisions in China do not exist between different groups of

Chinese people, but are salient between the Chinese state and Chinese people. Social inequality was a recurring theme that interviewees brought up when they discussed social conflict and division, but many interviewees mentioned that the rising social inequality has caused tension in China not because of the inequality itself, but because of the problematic connection between the rising rich and the state.

There are, however, critical differences between netizens and non-netizens with similar socioeconomic backgrounds. First, netizens tend to perceive problems as more severe. This is because non-netizens are less cognizant of problems beyond their local contexts. When discussing the three issues (food safety, land grabbing, and labor disputes) in the interviews, non-netizens often mentioned local cases, whereas netizens alluded to many high-profile cases across localities. Netizens were also familiar with a variety of problems across social groups and aspects of life.

Second, although the two groups both invoke the language of laws and rights to discuss problems, and perceive the existence of a huge gap between law on the books and law in action, the ways in which the two groups understand laws and rights greatly differ in two important respects. Non-netizens care about laws and rights to the extent that laws and rights are closely related to their material or personal interests, whereas netizens are more likely to demand rights that are beyond their material or personal interests, particularly political rights. Netizens are inclined to claiming their rights as citizens to participate in public affairs even though the government does not allow them to exercise such rights. Understanding news and expressing opinion is a minimal form of political participation for them. Netizens are also more likely to see the lack of *de facto* civil and

political rights as the fundamental cause of problems in China, as citizens cannot use institutionalized channels to hold the government responsible. According to them, the inability of citizens to organize NGOs or political parties to monitor the government and business organizations make the problems unsolvable. The two groups also differ in terms of whether they take the legitimacy of law as granted. Non-netizens tend to accept whatever is written in the law, whereas netizens recognize that law is also an instrument for domination and, thus, consistency is required between laws and rights. Many netizens mentioned that using unjust laws to govern the populace violates the principle of rule of law. In short, although non-netizens and netizens share the same cultural medium, netizens employ higher standards to identify problems and make judgments.

Third, although both non-netizens and netizens think the main conflict and division in China is that between the state and Chinese people, the two groups perceive different levels of conflict and relate to the conflict in different ways. Non-netizens are more likely to think that conflict and division exists at the local level. They also tend to have a bifurcated view of state legitimacy, seeing the central leaders as benevolent, but local officials as corrupted (Lee 2007:21). As such, it is only local government and officials that are understood as in conflict with Chinese people. In addition, non-netizens are less likely to see themselves as victims in the conflict unless they or their family encounter personal problems. In comparison, netizens are more likely to think that conflict and division exists at the national level. They tend to regard problems as systematic and blame state agencies at all levels. They are also more inclined to identify themselves as victims suffering from the loss of rights even when they may not be directly involved in specific issues. This

identification motivates netizens to contest official discourse online and support other citizens when there is an opportunity.

I pushed interviewees to reflect upon the origins of their cultural schemes – how and from where they gained their understanding of the world and how to make sense of it. The results revealed that netizens and non-netizens rely on very different sources of information in order to understand the concepts of law and rights. Non-netizens mostly mentioned that they learned about laws and rights from TV and local newspapers. Many non-netizens said that local newspapers contain useful information about their rights, and they discuss these issues with family, friends, and colleagues. In general, non-netizens did not question the credibility or value of mass media, even though some did mention that media based in Hong Kong have higher credibility.

In contrast to non-netizens, netizens generally perceive mass media in China as unrealizable, and they stated that public intellectuals and only very few outspoken domestic newspapers (particularly the *Southern Weekly*) greatly influence how they think about laws and rights. Many netizens mentioned that they receive recommendations regarding specific public intellectuals and newspapers from their friends and teachers. Although netizens may not necessarily agree with the concrete opinions of media or public intellectuals, they generally appreciate the analytic frameworks that emphasize citizenship rights, rule of law, and citizen participation. They told me that it is not so much specific information or facts, but rather the alternative analytic framework that has influenced them the most in the long term. My interviewees think the alternative framework promoted by outspoken newspapers and public intellectuals is distinct from the dominant framework

promoted by the Chinese state. Public intellectuals, in particular, have a huge influence on college students. And though debates exist between rightist and leftist intellectuals (Zhao 2008), my interview data did not find that debates defined in such terms had a noticeable influence on ordinary citizens. Essentially, the response of interviewees suggests that the elite networks in and beyond the media field have influenced how netizens understand the symbolic structure of laws and rights. But while acknowledging the influence of public intellectuals and outspoken newspapers, my interviewees in the netizen group emphasized that such influence is mediated by and intertwined with complex long-term living experiences and personal biographies.

The cultural medium that citizens use to make sense of news and problems, as well as the amount of problem-oriented news and information to which citizens are exposed, impacts citizens' classification practices in the process of reading and discussing news. Compared with netizens, non-netizens are exposed to less problem-oriented news and information, and they use a lower standard to judge various actors involved in the problems. Generally, when non-netizens have negative perceptions of the local government and officials, it is linked to their own personal experiences and/or the experiences of their family and friends. As a result, non-netizens are more likely to view problems as individual and local, and they are less likely to establish connections with citizens beyond their local contexts.

Netizens, on the other hand, are exposed to a variety of problems and use a higher standard to make their judgments. Despite variation within netizens as a group, most of them told me that various problems in China have the same roots. As netizens are

repetitively exposed to numerous problems online across localities and over time, they begin to see the structural roots of problems and, therefore, expand their targets of blaming. As we discussed food safety, labor disputes and land-taking in interviews, I developed a sense of whether and how interviewees established connections between these issues. A 35 year-old driver with a high school education articulated:

I used to see problems as a single dot, but I can connect them into a line and a plane after I knew more and more on the Internet. The pattern is simple. Government officials and people with connection to them gain from ordinary citizens' loss of rights. Immoral businesses are able to profit from selling unsafe food because of their ties with officials. Officials and their land developer friends profit from grabbing citizens' properties. Anyway, we are 'shitizens' instead of citizens. Why didn't leaders in the central government intervene? It's precisely because of their vested interests (July 2011, Chongqing).

Many interviewees in the netizen group emphasized that, from the reoccurrence of problems over time and the co-occurrence of problems in every locality in China, they find a central government that has been reluctant to tackle problems and even indifferent to local government's suppression of victims and whistleblowers. Some interviewees even see the central state's indifference to such suppression and its "inaction" to many problems as *prima facie* evidence that indicates the state's deep involvement in all kinds of problems. As a result, netizens blame state agencies at all levels, and relate the cause of problems to citizens' lack of political rights and the state's lack of accountability. Many of my interviewees said that problems are caused by unchecked political power and the lack of motivation among leaders to take citizens seriously. In essence, the aggregation of problems online leads to new understandings about the nature of problems and a belief in an opposition between citizens and the state – and, significantly, this effect holds despite the ongoing censorship of news and information online.

Reading and discussing problem-oriented news and information through the lens of citizenship rights also strengthens citizen identity. In the interviews, netizens explained why they think they are similar to and connected with other citizens. First, they all encounter problems and exclusion in their daily life. Second, while problems may manifest differently, citizens share a common cause - the state's infringement of or failure to protect rights. Third, interviewees believed that ordinary citizens' lack of connection to state agencies makes them susceptible to problems and more likely to suffer from exclusion. A 40-year-old safety guard who works in a university said:

We all encounter problems in our daily life. Although problems may look different, they are all related to the problematic nature of the government. I feel that I am the same as other citizens. As long as you do not belong to the "interest group", it is likely that you are negatively affected by the system, whether you are a worker, peasant or teacher. This kind of thinking motivates me to support other citizens and use my rights to ask the government for change even though I know the limitation of my effort (2011 July, Chongqing).

Similar to the safety guard, many netizens also alluded to how citizen identity motivates them to voice their opinions, even though they know the limitation of public opinion in China. These interviewees pointed out that the public has limited attention and capacity to react to all of the problems in China. Additionally, there is no adequate institution to raise the likelihood that state agencies would deal with these problems. Even though government agencies do tackle some problems, they mostly do so in an *ad hoc* manner, rather than addressing problems systematically. Furthermore, the public has limited capacity to oversee how the government addresses problems in the long run due to restrictions on political and social organizations. Still, identifying themselves as citizens with rights and

responsibilities to demand change motivates netizens to contest official discourse online, support other citizens, and exercise their rights over the government.

5.4. DISCUSSION

To review, my empirical analysis explained the rise of an influential nationwide counterpublic sphere in China. By analyzing in-depth interview data, I found that the rise of the counterpublic sphere is the outcome of a long institutional, cultural, and social process that was catalyzed by the development and diffusion of ICTs. Given the emergence of new ICTs and the benefits that accrued with joining the WTO, the Chinese state decided to expand and restructure the media field. Nevertheless, this restructuring inadvertently benefited non-state business actors, especially domestic Internet portals, while also extending existing elite networks and cultural practices associated with critical news reporting from the press market to the online news market. These elite networks greatly impacted the selection of news and the circulation of information via Internet portals and social media, as well as netizens' understanding of the symbolic structure of laws and rights. Rather than attending only to the protection of their personal interests and private rights, netizens have used a broader lens of citizenship rights to make sense of the various problems aggregated in online discursive space and to classify and identify with the actors involved in the problems. The classification practices involved in the process of reading and discussing news have led to a widespread belief in an opposition between citizens and the state, which delineates the contours of an emergent counterpublic sphere.

My empirical analysis contributes to existing studies that examine the rise of public opinion in China by specifying the institutional, cultural and social processes that have enabled and facilitated individuals to construct the emerging counterpublic sphere. As I have stated, existing studies of rising public opinion in China tend to focus on how technological properties of the Internet can help citizens to bring about social change and how the Chinese state has regulated the Internet to forestall such change (Hung 2003; Lagerkvist 2005; Lei 2011; McCormick and Liu 2003; Rosen 2010; Shen et al. 2009; Tai 2006; 2008; Yang 2009; Zheng and Wu 2005; Zheng 2008). This approach neglects how contexts can mediate and moderate the effect of the Internet. By tracing the restructuring of the media field and examining the dynamics of interaction in the expanded media field, my analysis finds that two pre-existing conditions played a key role in shaping how Chinese people use ICTs and produce public discourse. The first condition is the existence of elite networks that are associated with critical news reporting. These elite networks have greatly impacted the operation of Internet portals and social media, as well as the production and circulation of news and information in the emerging online news market. They also provide alternative frameworks for citizens to make sense of news and information. The second condition is the existence of a shared symbolic structure of laws and rights. This shared symbolic structure provides resource for citizens to demand citizenship rights and serves as a lens for citizens to interpret news and information. In essence, situating the use and diffusion of the Internet in a broader institutional, cultural, and social context contributes to a deeper understanding of how the Internet can shape the development of the public sphere.

The above insight about the importance of institutional, cultural, and social contexts in moderating the political consequences of ICTs has implications beyond the Chinese context. Scholars who are interested in the relationship between technology and democracy tend to have a binary – whether utopian or dystopian – view regarding the impact of ICTs on political development and discuss their effect in very abstract ways (Benkler 2006; Dahlgren 2000; 2001; 2005). But, as the Chinese case has demonstrated, the effect of ICTs is context-dependent. Thus, an analysis of the impact of ICTs on social and political change requires an analysis of the structure of the media field and the broader contexts in which the media field is situated, as these conditions shape the way in which ICTs are used.

By specifying the institutional, cultural, and social foundation that has enabled Chinese people to employ ICTs for political contestation, my study helps to address the question raised by Guillén and Suárez (2006) about how ICTs are likely to help spread democracy within authoritarian countries, given their insufficient democratic foundation. My study has demonstrated that the authoritarian state can inadvertently contribute to the social-cultural foundation of democracy through institution building. In the Chinese case, the elite networks that have greatly impacted the online discursive space, in fact, emerged from within the Chinese state after it accelerated the process of media marketization. These elite networks were also able to extend to the online sector because of the Chinese state's decision to adopt the Internet and join the WTO. Furthermore, the symbolic structure of laws and rights used by Chinese people to make sense of news, make moral judgments, and establish connections with other citizens was also established by the

Chinese state. The key is that the Chinese state does not have complete control over how citizens interpret laws and rights, or how they employ these symbolic resources.

Therefore, seeds of liberalization, or what Habermas (1996:359) calls “liberal patterns of political culture and socialization,” can develop beneath the façade of an authoritarian regime.

Finally, by studying the boundary processes that contributed to the counterpublic sphere, my study helps to understand and account for the collective antagonism against the Chinese state in public opinion at the national level. Existing studies in the field of Chinese studies do not pay sufficient attention to this emerging phenomenon. For instance, research suggests the Chinese state has been successful in generating regime legitimacy at the mass level (Nathan 2003; Stockmann and Gallagher 2011). Even when existing studies attend to antagonism between the Chinese people and the Chinese state, they find that such antagonism exists only at the local level (Lee 2007; O'Brien and Li 2006). For example, in her study of labor protests in China, Lee (2007) found that the rhetoric of legal rights has become central to labor protests throughout China with the unfolding of legal reform, but the central government's legitimacy is not tarnished when local governments fail to deliver what law promises. Lee argues that because local governments are in charge of legal enforcement, people believe that it is local governments that should be blamed when questions of law arise. Although my findings about non-netizens are consistent with previous research about the relationship between Chinese people and the Chinese state, my findings about netizens contradict previous research and indicate something new. Through comparing the responses of non-netizens

and netizens with similar socioeconomic backgrounds, I was able to account for their divergent views on the relationship between the Chinese state and Chinese people and understanding the collective antagonism that led to the counterpublic sphere. My findings thus help to explain an emerging phenomenon that has not gained sufficient attention in existing literature.

In closing, it is important note the limitations of this study. Although my analysis of the politicization of citizens at the micro-level can complement my previous research on the relationship between media use and political attitudes and behavior based on analysis of survey data (Lei 2011), the generalizability of my findings is restricted since I did not have a random sample of subjects, even though I maximized variation within subjects. Future research can adopt Ewick and Silbey's (1998) sampling strategy in their study of legal consciousness to investigate politicization at the micro-level.

Chapter 6

Conclusion

This dissertation is motivated by the disjuncture that exists between the development of the counterpublic sphere in China and the dominant theory of the public sphere. The dominant theory, which mainly derives from historical cases in Western Europe, assumes the indispensability of a relatively autonomous and vibrant civil society for a flourishing public sphere. According to this theory, a thriving nationwide counterpublic sphere would be unlikely to emerge, let alone thrive in China owing to the absence of an active civil society there. In reality, however, the Chinese case reveals the limitations of the dominant theory in traveling beyond Western European contexts. The Chinese case presents a negative case for comparative historical sociology regarding the public sphere and provides an opportunity to critique the universal assumptions of existing scholarship. Through investigating the Chinese case, I aim to achieve two goals. First, I aim to explain the rise and persistence of China's nationwide counterpublic sphere. Second, I aim to reconcile the Chinese case with the dominant theory of the public sphere and thereby restructure the theory of the public sphere.

In this chapter, I discuss how this dissertation has achieved these two goals. I first summarize my findings in each empirical chapter. Second, I discuss my findings in

relation to previous research on the history of public opinion in China and literature related the public sphere. Third, I discuss broader implications of my findings. I first situate my findings in relation to three streams of discourse on democracy: discourse about market and democracy, rule of law and democracy, and technology and democracy. Then, I consider my findings in relation to the authoritarian resilience thesis. Finally, I end the dissertation by discussing its generalizability and limitations, and noting opportunities for further research.

6.1. SUMMARY OF EMPIRICAL FINDINGS

My core argument in this dissertation is that a social-cultural foundation is needed for a public sphere to grow and persist. While theorists examining the emergence of the public sphere in Western contexts emphasize the role of civil society – broadly defined as space outside the state, the Chinese case suggests a completely unexamined and distinct process in which the state is the unintended and paradoxical architect of the counterpublic sphere. I developed this argument by examining how the Chinese state inadvertently helped to build the social-cultural foundations of China’s counterpublic sphere. I summarize the findings of each empirical chapter below.

6.1.1. The rise of a nationwide counterpublic sphere

In Chapter 2, the first substantive chapter of my dissertation, I established the existence of a flourishing nationwide counterpublic sphere in China. Drawing on interview data with informants, I argued that when an authoritarian state frequently takes both restrictive and affirmative approaches to public opinion, this serves as a valid

indicator of the existence of an influential nationwide counterpublic sphere. In this situation, a counterpublic sphere can be said to exist because the state takes a hostile and exclusionary attitude toward it, and the sphere is influential in the sense that the state is forced to respond to its demands. Through a longitudinal study from 1949-2010, I located the rise a nationwide counterpublic sphere in the post-2005 period.

Before 2005, the Chinese state rarely engaged with public opinion that it regarded as antagonistic. Between 1949 and 1986, the government seldom acknowledged, let alone dealt with public opinion. When “public opinion” was mentioned in newspapers, it generally referred to voices *outside* of China that either said something positive about the CCP or criticized Western imperialism. This pattern reflected the low level of influence that the voices of Chinese people had in Chinese politics. Gradually, however, coverage of domestic public opinion in the news did begin to grow. Between 1987 and the 1989 Tiananmen incident – a very short period – CCP reformist leaders endorsed the right of citizens to formulate public opinion and acknowledged public opinion as a check of political power. During this period, public opinion was not perceived by the central government as threatening or oppositional to its authoritarian rule. Not surprisingly, however, this stance shifted following the Tiananmen incident in 1989. In the following decade, the state approached public opinion as something that needed to be controlled. This very response indicated the presence of a public sphere that was considered antagonistic to the state, but the influence of this sphere was limited insofar as the state did not need to compromise with it or satisfy the demands of those within it. From 1998 to 2004, this shifted again as the state increasingly adopted an affirmative approach to

public opinion and reduced its use of restrictive measures. During this period, the central state allowed much more space for public opinion, but only did so because it had shifted back to seeing public opinion as of little consequence.

In the post-2005 period, a new pattern emerged. The central state increasingly took a restrictive approach to public opinion, but, paradoxically, it also began to treat public opinion as a check of political power. This period is the only time in the PRC's history that both restrictive and affirmative approaches simultaneously and drastically climbed. In short, the state was attempting both to control public opinion, but also to acknowledge it as an independent and influential force to be reckoned with. I argue that this pattern of state responses between 2005 and 2010 provides powerful evidence of something entirely new – a flourishing, nationwide counterpublic sphere.

6.1.2. Disseminating law to the populace: From lawlessness to the emergence of a nationwide symbolic structure based on laws and rights

In Chapter 3, I investigated the origin and diffusion of the symbolic structure of China's public and counterpublic spheres. Explaining the development of a public sphere requires a specification of its cultural medium, as well as an account of where this medium originates from and how this medium is diffused to and accepted by actors in the public sphere. Existing studies based on Western experiences suggest that this medium tends to grow outside of the state (Alexander 2006; Habermas 1989:56). Contrary to this view, I demonstrate the critical role of the Chinese state in establishing a symbolic structure based on laws and rights as the cultural medium of China's public and

counterpublic sphere. As support for communist ideology has declined over time and national sentiment cannot be mobilized to deal with most of problems that upset Chinese citizens, the symbolic structure based on law and rights has become the most critical shared medium for public dialogue.

I argued that the establishment of a nationwide symbolic structure based on law and rights in China was part of the state's efforts to address the CCP's legitimation crisis in the aftermath of the Cultural Revolution (1966-1976). To address this crisis, the Chinese state initiated both economic and legal reform. With regard to the latter, Chinese leaders defined the nature of law as a partial substitute for class struggle and a pragmatic instrument to achieve stability, unity, and modernization. Since these reforms were also conditioned by the global market economy, Chinese law related to the economy was linked with its counterparts in other countries, and shaped by international law, including the latter's enshrinement of the concept of rights.

For the state's campaign to make law a new symbolic structure to succeed, law needed to be disseminated and accepted by the Chinese populace. This was a daunting task in the late 1970s and 1980s. To this end, the Chinese state diffused law through political campaigns and media communication. The central government's goal was to ensure that citizens' knew and obeyed the law, and to facilitate the construction of a socialist market economy. Through this process, however, the discourse of protecting rights became increasingly widespread. The actual diffusion of the discourse of rights depends on the enactment of laws that are closely related to ordinary citizens' economic lives, and that draw on the language of rights. Without this, law remains an abstract

concept for citizens. This condition was satisfied in the mid-1990s, after the Chinese state restructured itself to address the 1989 Tiananmen crisis and accelerated China's economic reform. The discourse of rights regarding citizens' economic lives expanded rapidly during the period from 2000 to 2005.

Through the dissemination of law, the Chinese state, to a large degree, replaced the public's existing symbolic structure of class struggle with one framed in terms of laws and rights. Precisely because the Chinese state is a capable authoritarian state, it was able to build a legal field that would have taken much longer to develop in other contexts, and impose a cultural medium based on laws and rights that penetrated fully into society. As a result of the state's capacity, despite being essentially "lawless" in the late 1970s, by 2001, China's legal institutions were already recognized as sophisticated enough to meet the demanding requirements of WTO membership. As the first wave of the Rule of Law Index showed in 2011, China scored as well as many advanced democratic countries and actually surpassed many developing countries, regardless of political regime, in terms of making law widely accessible and comprehensible to citizens.

6.1.3. Freeing the press: How field overlap explains critical news reporting

In Chapter 4, I examined how the Chinese state's decision and strategy to develop the legal field inadvertently facilitated the production of critical news reports – reports that identify fundamental societal problems, analyze their causes, and search for solutions – even though critical news reporting is often discouraged, if not completely suppressed by the state.

Similar to the legal field, the development of China's media field was subjected to the same macro-condition – the Chinese state's need to address its legitimation crisis after the Cultural Revolution, although the restructuring of the media field came later than the building of the legal field. After Deng Xiaoping reconstituted the Chinese state in the aftermath of the 1989 Tiananmen incident, he decided to accelerate China's economic reform in 1992. This decision led not only to the enactment of laws that were closely related to ordinary citizens' economic lives in the mid-1990s, but also to the redefinition of news service as part of the service industry. In the past, newspapers were primarily subsidized by the state and expected to serve as mouthpieces of state propaganda. But after the Chinese state redefined the nature of news service, it began to drastically reduce its funding of newspapers, forcing them to rely on advertising and sales to survive. As a result, although newspapers are still state agencies responsible for propaganda, they are simultaneously market actors that must attract readers. The marketization of newspapers has also spurred the growth of a professional journalist community. Although the profession as a whole is still far from independent, norms viewing journalists as spokespersons for citizens have emerged. As a consequence of these developments, political, market, and professional power and logics all influence news production.

The resulting media field in China presents a much more nuanced picture than previous analyses would suggest. Although Chinese media are still described by some as remaining “aloof to the democratic impulse in the society” (Pan 2010:185) and attempting to “avoid a critical interrogation of the broader social and economic structure” (Zhao 2004:63), my analysis reveals a more complex reality. Though this conventional image is

still applicable in the case of some Chinese newspapers, other newspapers have increasingly attempted to resist state control and produce critical news reports – sometimes provoking, in turn, a government crackdown.

I investigated why and how certain newspapers were able to produce critical news reports, despite the limited freedom of the press. I found that the overlap of institutional and social network mechanisms linking the newspaper and legal fields helped to facilitate critical news reporting. The central state's shift to law as a new mode of domination – and especially its use of the media to disseminate law – created a new bridge between the legal and newspaper fields, inadvertently bringing about new opportunities for actors in the latter, in particular. Given the Chinese state's usual effort to prevent connections across organizations in order to forestall the rise of competing political power, this institutional intersection created a novel and critical condition for the formation of cross-cutting networks. The transformation of the legal field also elevated the potential impact of such institutional field overlap. As the process of legal reform unfolded, the legal profession became more established and diversified over time. Although the majority of legal professionals are still focused on making money, some have begun to see themselves as guardians of citizens' rights. The overlap of the legal and newspaper fields through institutional mechanisms brought about opportunities for journalists to access resources in the legal field and to resist the state's political logics using law.

Nevertheless, how this institutional field overlap played out hinged on structural conditions in the newspaper field across locations. In Guangzhou, a strong professional community, a competitive market, and fragmented local political power structure

combined to allow journalists there to produce a considerable amount of critical news reports through substantial collaboration with pro-liberal legal professionals. This collaboration and the state's public embrace of the rule of law – however disingenuous as that embrace may have been – enabled journalists to appropriate law to uncover social problems and expand the space for critical news reporting. In this process of collaboration, public-spirited journalists and legal professionals also developed the common goal of cultivating a civil society, and critical news reporting was seen as an important means of achieving that goal. In Beijing and Fuzhou, by contrast, although the fragmented local political power structure provided some space for critical news reporting, the relative weakness of the journalist community and the less competitive market in these locations hindered the scope of collaboration and limited the amount of critical news reporting. Finally, in Shanghai, critical news reporting was even less common as collaboration between the two professions was largely stifled by the concurrence of a weaker journalist community, a less competitive market, and a more unified political power structure.

6.1.4. Amplifying limited liberalization effects: Boundary processes and the creation of a nationwide counterpublic sphere

In Chapter 5, I examined the processes by which the limited liberalization effects outlined in Chapter 4 escalated into a nationwide counterpublic sphere. I showed that the Chinese state's decision to pursue the benefits that accrued with adopting the new information communication technologies (ICTs) and joining the WTO triggered a series of field overlaps and boundary processes. These processes culminated in the rise of the nationwide counterpublic sphere.

To understand the impact of the Chinese state's decision to adopt new ICTs and join the WTO, it is necessary to understand the state's boundary-setting in the press market and the Chinese state's strategy to shape emerging online news service. Although the Chinese state created a press market, it established geographical and sectoral boundaries to retain political control over news outlets. For example, none of the country's regional newspapers are permitted to publish a national, market-oriented daily newspaper for general readers. The Chinese state did plan to turn major news media, which are state agencies, into influential Internet news providers that could compete with non-state Internet news providers, though it hoped to maintain control of this process. But in China's WTO negotiations, although China did not open its press market, it did open the telecommunications service market and this ruled out the possibility that the state could maintain its monopoly over Internet news providers. In order to privilege state actors and minimize the influence of non-state actors, the government established a distinction between non-news media and news media among Internet news providers. Although non-news media are permitted to provide Internet news service, they can only reprint news produced by news media – media still controlled by the state.

Despite this favorable treatment for state actors, the geographical and sectoral boundaries in the press market set by the Chinese state inadvertently created a niche for non-state Internet portals to satisfy the demand for national, commercial daily newspapers. Internet portals are companies like Yahoo. Since Internet portals and newspapers are similar in that text-based content is important, Internet portals in China recruited experienced media professionals from the press to develop their content. By recruiting

these professionals, those running Internet portals became aware of the fact that the state's restrictions in the press market had created an unsatisfied market demand. Domestic Internet portals eventually developed a business model that provided a huge amount of news and social media service. A nationwide online news market that broke the boundaries in the press market thus emerged.

By extending the media field to include online space, the state inadvertently aided non-state actors, facilitated the rise of media professionals committed to critical news reporting, and further triggered a series of field overlaps. With the rise of the Internet service sector, these journalists were suddenly able to consider employment options outside of the state-run media system. And they were highly valued in the labor market because of their work. With access to the global economic market, Internet portals provided media professionals with much more competitive packages and the promise of a much larger readership. These portals have, thus, been able to fill a large proportion of their high-level positions in charge of news services with journalists devoted to critical news reporting. In this way, particular social networks, professional ideals, and political orientations were spread to Internet portals. Cultural practices related to critical news reporting also extended to the online news market. Although Internet portals are not allowed to produce news themselves, there is still room to edit and compile the news. A larger proportion of Internet portals are inclined to select news that reflects current problems within the limitations set by the state. This news tends to attract wide readership and trigger discussion on online forums and social media. As a platform for interaction, social media operated by Internet portals further led to a series of field overlaps,

extending critical cultural elements and practices from media and legal professionals to other elites, social movement activists and ordinary citizens. Increasingly, various actors come to the online news space to produce, disseminate, and discuss news related to societal problems, even though they may not necessarily agree with each other's political views.

This meso-level integration process led to the politicization of citizens, which, in turn, delineated the contours of an emergent nationwide counterpublic sphere. Despite continuing censorship, exposure to ostensibly local and individual problems across time and localities has transformed how netizens think about the cause of ostensibly unrelated problems and targets of blaming. The symbolic structure of the laws and rights that were established by the Chinese state became a yardstick by which netizens defined and discussed problems – often resulting in interpretations of the law that differed from those of the state. By learning about common threats to rights and common problems, netizens developed an identity as victimized citizens. Netizens accused state agencies of impairing rights, creating obstacles for citizens to restore their rights, and violating their obligations to protect rights. Netizens also saw the recurrence of problems over time and the emergence of similar patterns of problems across localities. They found a central government reluctant to tackle problems, fulfill various rights, and even indifferent to the suppression of victims and whistleblowers. As a result, many netizens began to see the structural roots of problems and, accordingly, expanded their targets of blaming. Rather than seeing the central state as benevolent and local governments as corrupt, many netizens blamed state agencies at all levels, and related the cause of problems to citizens'

lack of political rights to hold the government accountable. This aggregation of individual and local problems eventually led to a surge of public opinion that challenged the state and increasingly framed citizens in opposition to the state.

6.2. DISCUSSION OF CONTRIBUTION

In this section, I first review how my findings contribute to understanding the current rise of the counterpublic sphere in China's in relation to the country's historical context. Next, I consider how my findings can illuminate the dominant theory of the public sphere, the limitations of which provided the motivation for the dissertation. Then, I discuss how my findings can shed light on literature related to the public sphere more broadly.

6.2.1. Understanding the present in China in relation to the past

Comparing my findings and the narrative provided by historian Lin Yutang deepens our understanding of current developments in China in relation to a broader historical context. I began my dissertation by pointing out the findings of Lin Yutang's *A History of the Press and Public Opinion in China* (1936). Lin found that public opinion was generally passive, only mobilized for short periods around issues of national identity and only under exceptional circumstance. Lin believed that long-standing censorship in China accounted for this passivity and ended his book with a call to awaken public opinion. Despite continuing censorship in China, my empirical analysis has shown that public opinion mobilized based on citizen identity has become a constant social-political force and constituted a flourishing nationwide counterpublic sphere. Looking at the continuity and disjuncture between China's past and present in Lin's and my studies helps to

understand and explain the current rise of the counterpublic sphere in China and its absence in the past.

Juxtaposing Lin's and my studies reveals a critical similarity between China's past and present. Our work highlights China's efforts to pursue modernity, in part, by adopting global hegemonic norms. Achieving modernity has been a critical goal for various actors in China since the Qing Dynasty, even though actors have differed in how they have defined and pursued that goal. In Lin's narrative, the Chinese states and intellectuals in the Qing Dynasty and the Republic era embraced Western norms to a certain extent in order to modernize China and address crises resulting from capitalist imperialism in the nineteenth and early twentieth centuries. These modernization projects encompassed the development of media and legal institutions. As Lin's narrative shows, the birth of the modern Chinese press was highly influenced by European missionaries and merchants. The development of the modern Chinese press was simultaneously a process of socio-political movements to modernize and democratize China, in which many Chinese intellectuals introduced the Chinese people to Western notions of liberty, democracy, and constitutional reform. Adopting Western legal institutions to reform Chinese legal institutions was part of the modernization projects in the Qing Dynasty and Republic of China (Lei). Similarly, the pursuit of modernity has been a critical goal for the contemporary CCP and a means for the CCP to obtain legitimation. Although the CCP Party-state once resisted global hegemonic norms in its pursuit of modernity, the catastrophes and legitimation crisis in the aftermath of the Cultural Revolution led CCP leaders to selectively adopt certain global hegemonic norms – specifically, those

necessary for China to integrate with the global capitalist economy. Similar to the modernization projects in the Qing Dynasty and the Republican era, the CCP's modernization project since 1978 incorporated the reconstruction of China's legal and media fields according to hegemonic norms.

Despite this similar attention to China's pursuit of modernity, there remain significant differences between Lin's work and my own in terms of how reformers in the different periods were able to implement their modernization projects. Further, I argue that these differences explain the divergent outcomes in our respective studies. Reformers in the Qing Dynasty and the Republic era adopted some global hegemonic norms in order to modernize China, but the precarious international and domestic conditions did not allow the Chinese states and other reformers to build solid institutions as part of this effort. In comparison, the CCP Party-state after the Cultural Revolution was able to successfully build institutions to implement its modernization project and address its legitimization crisis. The development of legal institutions has long been one of the most critical elements of modernization projects in China since the Qing Dynasty, as legal institutions define fundamental political and economic relationships between domestic actors and between international and domestic actors. In the case of both the Qing and the Republican governments, state power was seized by the Kuomintang and CCP, respectively, before they were able to significantly reform their legal institutions, whereas the CCP was able to maintain the unity of the nation and build legal institutions that allowed its economic integration with the rest of the world. The CCP Party-state also established a shared cultural medium based on laws and rights to facilitate its governance, even though law

was essentially abandoned during the Cultural Revolution and the concept of rights was foreign to the majority of populace.

The success of the Party-state in building legal institutions, however, also made the state susceptible to the force of law and rights. Both Lin and I show how certain media professionals and intellectuals were zealous in bringing about social-political change and advocating constitutional reform and protection of rights. But how these elites grounded their claims and were able to diffuse their discourse differs enormously in two studies. In Lin's analysis, ideas like civil and political rights were only mobilized by elites, and these elites mobilized Western notions directly. The Constitution of the Republic of China was not enacted until December 1946 – only two years before the birth of the People's Republic of China. Although ordinary Chinese people believed that “a good government always listened to the voice of the people (Lin, 1936:2)” and that people are entitled to revolt against a government that fails to provide people with subsistence, most Chinese people did not consider themselves entitled to participate in the state's decision-making or to hold the government accountable on a regular basis.

In comparison, the media and legal professionals in my study directly mobilized Chinese law instead of Western notions to promote notions of citizen rights, civil society, and constitutionalism, and they were able to diffuse their ideas to ordinary citizens. This was made possible, in part, because the legal institutions built by the CCP Party-state more or less resemble their counterparts in democratic countries, where the concept of rights constitute a critical component of those institutions. The CCP had also very effectively turned laws and rights into a shared cultural structure that penetrated every

level of society. In other words, the infrastructure built by the CCP Party-state facilitated the ability of media professionals, legal professionals and intellectuals to spread their ideas, even when those ideas were critical of the state. Although the CCP Party-state wanted citizens merely to obey the law and understand it just enough to participate in a market economy, it was unable to prevent alternative interpretations of laws and rights and the appropriation of the shared symbolic structure to promote a more liberal and critical political culture.

In essence, building upon Lin Yutang's study, my findings help to understand the current rise of the counterpublic sphere and the general passiveness of public opinion in the past. The comparison of Lin's and my studies suggests that the CCP Party-state's success in building institutions, especially modern legal institutions, to pursue its modernization projects, as well as the Party-state's incomplete control over how various actors used and understood these institutions, explains the current rise of the counterpublic sphere in China. The lack of institutional basis for intellectuals and media professionals to produce and spread critical political culture and practices explains the inactiveness of public opinion in the past.

6.2.2. Theories on the relationship between the public sphere and civil society

The findings of my dissertation not only help to understand the development of public opinion in the Chinese context but also contribute to the theory of the public sphere. Existing studies, mostly based on experiences in Western Europe, theorize that the development of the public sphere depends on that of civil society. The capacity of civil

society to enable and sustain the public sphere lies in its fostering of people's ability to organize themselves beyond the direction and control of the state. When civil society is well-developed, it is likely to produce capable agents for the public sphere because it allows individuals to articulate interests, develop a common identity and democratic political culture, and acquire the capability to participate in politics (Calhoun 1993; Eley 1992; Fraser 1990; Habermas 1989; Habermas 1996; Koller 2010; Madsen 1993; Somers 1993; Tilly 2007). The above theory of the public sphere describes the Western European experience nicely, but it does not transfer well to the Chinese context. The inconsistency between the Chinese case and the dominant theory based on Western experiences renders the Chinese case a negative case in comparative historical sociology. Contrary to the view that sees China as an essentially inappropriate context for studying the public sphere due to the enormous disparity between socioeconomic, political, and cultural conditions in China and the Western Europe (Calhoun 1993; Wakeman Jr 1993), I argue that the varying conditions between the Chinese and Western contexts actually present valuable opportunities to study the public sphere, as these variations reveal alternative paths by which a public sphere can develop.

As such, in this dissertation I have used the Chinese case to expand the content of the theory of the public sphere and its range of application. Rather than completely abandoning the dominant theory because of its limited explanatory power, I identify and preserve its central proposition – namely, that a social-cultural foundation is needed for a public sphere to grow and persist. Whereas the dominant theory suggests that civil society plays a key role in establishing the social-cultural foundation of the public sphere, I have

explored alternative paths by which the social-cultural foundation of China's counterpublic sphere developed, and shown how the Chinese state was the unintended and paradoxical architect of the counterpublic sphere. My empirical analysis has shown how the Chinese state's response to the legitimation crisis it faced in the late 1970s by creating legal institutions and transitioning to a market economy inadvertently contributed to the symbolic resources, cultural practices, and social networks that made China's counterpublic sphere possible. By identifying the role of the Chinese state in establishing the social-cultural foundation of the counterpublic sphere and by specifying the mechanisms by which the state made this contribution, my dissertation deepens understanding about the social-cultural foundation of the public sphere and extends the dominant theory of the public sphere to the Chinese context.

This expanded understanding of the social-cultural foundation of the counterpublic public sphere suggests an alternative path of political development. When considering how to advance democracy – the development of an effective public sphere is just one example – too often social theorists, social scientists and practitioners focus on the democratic potential of civil society. It is as if civil society has become equated by many with guaranteeing democracy after the revolutions of 1989 in Eastern Europe. Nevertheless, existing studies about civil society provide limited insights into what the essential elements of civil society are that foster democracy, and how advancement of democracy is possible in contexts where civil society is always suppressed and critical political culture is lacking. Studies of Eastern Europe show that the state's failure to homogenize values and represent different interest groups forced it to relinquish some

social space (Bernhard 1993; Weigle and Butterfield 1992). Yet, these studies cannot adequately explain political development in contexts where the state has coped with systematic crisis successfully and continues to restrict independent social groups, as in the Chinese case. In contrast to existing studies that focus on the democratic potential of civil society, my study suggests that the building of legal institutions with rights as critical components, dissemination of law to ordinary citizens, and the building of communication institutions – however flawed these institutions may be – are likely to enable citizens in authoritarian contexts to develop a common identity, a critical culture, and the capacity to use public discourse to hold the state accountable.

Importantly, even authoritarian states infamous for suppression, such as the Chinese state, may be motivated to build institutions that support both the public sphere and civil society. In the Chinese case, a few state actors, particularly certain journalists in state-controlled newspaper organizations, intentionally contributed to the counterpublic sphere and aimed to build a civil society; others did so unwittingly. In this respect, part of what we think of as civil society in Western contexts actually exists *within* the Chinese state, as these state agencies helped citizens to build the same symbolic structure to communicate, develop a collective identity, and understand their rights and responsibility to participate in politics. Furthermore, because the social-cultural foundation of the counterpublic sphere is sustained by institutions built by the state, the state, in turn, cannot completely crack down on this counterpublic sphere to the extent that it cannot fundamentally change these institutions.

Understanding the paradoxical role of the Chinese state to the development of the China's counterpublic sphere sheds light on how to understand the state-society relationship and political resistance in authoritarian contexts. The separation and opposition of state and society is a common assumption in Western political theories (Fraser 1990). Research on civil society suggests that as the state inhibits civil society, only ties between non-state actors strengthen the capacity of civil society (Cohen and Arato 1992:446). This assumption instructs researchers to focus on social networks comprised of non-state actors. Yet, as the Chinese case has demonstrated, linkages between state and non-state actors may strengthen social forces as well. Accordingly, research on political resistance and civil society in authoritarian contexts should attend to the institutional processes that connect state and non-state actors in order to understand the potential paradoxical effects of such processes.

Having emphasized the critical role of the state's institution-building for the public sphere, I can now answer critical questions raised by Emirbayer and Sheller (1999: 146-47): "Can changes in economic or political organizations, or even both, conduce to democracy in the absence of a self-organized citizenry, or an autonomous associational realm (civil society)? Is the existence of an autonomous civil society itself sufficient for democratization, or is it more a question of what kinds of bridging structures, mediating practices, and channels for communication will prevail there?" My findings suggest that changes in economic or political organization are, indeed, likely to conduce to democracy, despite the absence of a self-organized citizenry, because the building of certain

institutions can trigger complex cultural and social processes that facilitate coordination among citizens and collective resistance in authoritarian contexts.

6.2.3. Contribution to four perspectives related to the study of the public sphere

In Chapter 1, I discussed four perspectives related to the study of the public sphere: (1) the Habermasian framework, (2) the media-centered perspective, (3) the media effects perspective, and (4) the historical and cultural sociology perspective. The purpose was to develop a theoretical framework that facilitates empirical investigation. Now, I discuss how my findings contribute to these four perspectives, respectively.

The Habermasian framework

In Chapter 1, I pointed out two major issues with the Habermasian framework. The first problem is its neglect of the role of the state in the development of the public sphere. Since this framework considers a non-interventionist state a necessary condition for the rise of the public sphere and attributes the degeneration of the public sphere to an interventionist state (Habermas 1989), analysis of the role of the state is minimal in theories of the rise of the public sphere. As Richard Madsen (1993:187) nicely summarized this assumption, “ In the thinking of Habermas, and of a long tradition of western political theory..., a democratic public sphere does not descend from the realm of a benevolent state, it arises from below, from a voluntarily organized citizenry.” Contrary to the Habermasian framework’s treatment of the state, I argue we need to bring the state back in to theories of the public sphere. In the case of China, I have analyzed both

intended and unintended consequences of the state's actions for the development of a counterpublic sphere.

My findings have demonstrated that even an authoritarian state infamous for censorship and suppression of civil society can significantly contribute to the social-cultural foundation of the counterpublic sphere. In the Chinese case, the CCP Party-state's action facilitated the development of the counterpublic sphere in two non-mutually exclusive ways. First, key state actors, particularly certain journalists in newspaper organizations who saw themselves as spokespersons for the public, intentionally contributed to the emerging network of counterpublic spheres. Chinese newspapers are regulated by the state, but precisely because they are part of the state apparatus, journalists were able to utilize state resources to connect and collaborate with various non-state actors.

Second and more importantly, the Chinese state's actions inadvertently helped to build the social-cultural foundation of the counterpublic sphere. The state set in motion complex institution-building processes to address its legitimization crisis, but these processes generated unintended consequences. These consequences derived from the state's incomplete control over how different actors, including state agencies themselves, used the institutions that it created. For example, many media disseminated law in accordance with the state's instructions, but on a broader level, the institution of law and the state and media's efforts to diffuse law built a nationwide symbolic structure with unforeseen effects. Likewise, the state's creation of a press market created more space for news production. The symbolic structure of laws and this emerging space for news

production was then appropriated by pro-liberal journalists and legal professionals to develop critical news reports and contribute to civic discourse. Furthermore, the very complexity of the globalization process constrained the state's policy space and made the its calculations difficult. For example, although the Chinese state successfully controlled news media by restricting capital and the ownership structure, these constraints, ultimately, situated state-controlled news media in an inferior position vis-à-vis private Internet portals in the online news market and amplified the influence of pro-liberal media professionals.

In short, my study contributes to the Habermasian framework by demonstrating the need to incorporate an analysis of the state into the theory of the public sphere. Regardless of its intentions, the state is both a critical actor and a venue for actors contributing to the social-cultural foundation of the public/counterpublic sphere. A theoretical framework that focuses exclusively on civil society neglects the ways in which state action and the relationship between state and non-state actors can contribute to the rise of a public/counterpublic sphere.

My dissertation also contributes to the Habermasian framework by developing a multi-level theoretical framework that operates at macro-, meso-, and micro-levels of analysis and attends to cross-level interaction. The other major problem with the Habermasian framework is that it fails to specify the concrete actions and processes that lead to the rise of the public sphere. The root of the problem is that this framework operates at a very high-level of analysis. My study of the Chinese case shows that a multi-level theoretical framework is necessary to unpack the plural historical processes

that unfold across levels of analysis: (1) why the Chinese state made critical decisions under specific historical conditions, (2) how these critical decisions at the macro-level triggered important meso-level process – the restructuring of the legal and media fields and the overlap of the two fields, (3) how the overlapping of the legal and media fields led to the creation of social networks that helped to develop critical political culture and practices, and (4) how the above social-cultural processes continued to spread, led to the politicization of citizens, and culminated in the rise of China's nationwide counterpublic sphere.

The media-centered perspective

In Chapter 1, I argued that the main problem with the media-centered perspective is that it underestimates or even ignores the role of other spheres of life and institutions in constituting and shaping the public sphere. My study contributes to the literature from the media-centered perspective in two related ways. First, it shows how institutions and action beyond the media field can interact with those within the media field to jointly shape the social-cultural foundation of the public sphere. Second, it further demonstrates that because media organizations can interact with institutions and action beyond the media field in various ways, though the media field is critical to the development of the public sphere, how it shapes the public sphere is still indeterminate. The above findings can also shed new light on discussion and debates related to the political consequences of media marketization and the rise of the Internet in China.

Extant studies from the media-centered perspective tend to predict or point out unequivocal political consequences of media marketization in authoritarian contexts. Market mechanisms are expected to generate forces that counteract the monopolistic power of the authoritarian state (Curran 1991:48; Keane 1991:152-153). The acceleration of media marketization in China since 1992 has, thus, drawn scholars to study its political implications, but scholars have not found the expected liberalizing effects – at least not in the form expected by the literature. The most common argument is that media marketization has not produced significant liberalizing effects due to the state's updated control mechanisms that effectively monitor news content, journalists, and media (Lee 2000; Lynch 1999; Zhao 1998; 2004). Scholars also argue that media marketization has, in fact, rendered media into even more effective propaganda organs for an authoritarian state, thus enhancing the state's legitimacy (Stockmann 2013; Stockmann and Gallagher 2011). Another argument is that media marketization has led to the triumph of political and capitalist market power, as well as the exclusion of the disadvantaged groups (Zhao 2004).

Rather than seeing media marketization as a process with a homogeneous impact in China, my findings provide a more nuanced understanding of this process and suggest that only when we examine the overlap of media and legal fields can we adequately explain the varying outcomes of media marketization. By bringing media and legal field overlap into the analysis, I demonstrate that, under certain local conditions, media professionals can utilize field overlap mechanisms to collaborate with actors in and beyond the legal field, jointly producing critical news and civic discourse. Therefore, when actors can use field overlap mechanisms effectively, the production and circulation

of news can simultaneously be a process of coalition-building among professionals in different fields, a process of establishing civil society networks, a process of culture-making and diffusing, and a process of resistance.

My findings also help us to rethink the debate over the political consequences of the rise of the Internet in China. Some argue that the Internet has democratic consequences (Lei 2011; Tai 2006:289; Tang 2005:87, 98; Yang 2009; Zheng 2008). Others contend that the Internet does not have democratizing consequences as it remains primarily a playground for entertainment under the control of the state (Kluver et al. 2010; Peters 2002; Yang 2009, p.10). There are also middle ground arguments that are more ambivalent about the development (Zhao 2008; Zhou 2006). Despite their divergent assessments, existing studies are similar in that they focus on technology and the actions of state and non-state actors in the media field, especially in relation to ICTs, censorship, and citizens' reactions to censorship. Yet, few efforts have examined how social and cultural conditions can moderate the impact of ICTs and interaction between various actors. My findings show that the Internet does have certain democratic consequences in China, but these consequences depend on the existence of other conditions – in particular, a shared symbolic structure of laws and rights, and collaborative networks comprised of public-minded legal and media professionals. Understanding these conditions and their impact requires investigating institutions and action beyond ICTs and the media field. In essence, this study contributes to debate about the Internet by highlighting the importance of contextualizing it and understanding the conditions and mechanisms by which the Internet can impact politics.

Another related contribution of my study to discussions of media marketization and the rise of the Internet in China is its provision of a more reflexive view of the Chinese state. In general, the media-centered perspective only analyzes and theorizes the intended consequences of state action. As such, it focuses on how the Chinese state controls the press and the Internet, how the state conducts propaganda, and how effective these controls are. To be sure, the state's political control influences the development of the public sphere, but the state's other actions can have unintended consequences for the efficacy of its political control. Existing literature frames the Chinese state as the ultimate barrier to a counterpublic sphere in China, yet my findings show that, far from preventing the rise of a counterpublic sphere, the state actually facilitated the emergence of precisely what it sought to suppress.

Media effects perspective

As I pointed out in Chapter 1, the media effects perspective is even narrower than the media-centered perspective as the former operates mainly at a micro-level and only examines whether and how exposure to media impacts individual political attitudes and behavior. Much research questions the causal claims in the media effects research and even challenges the entire research paradigm (Valkenburg and Peter 2013). Indeed, even though the research from media effects perspective can establish the association between media use and political attitudes and behavior, it provides limited evidence of how this association is produced.

Rather than disregarding the merit of the media effects perspective altogether, I have attempted to complement research from this perspective. In another research project, I analyzed representative survey data from the media effects perspective (Lei 2011). I found that Chinese netizens, as opposed to traditional media users and non-media users, are more politically opinionated. Furthermore, they are more likely to be simultaneously supportive of the norms of democracy and critical about the Party-state and political conditions in China, while also being potential and active participants in collective action (Lei 2011). Wanting to know more about these statistical associations, I examined in-depth interview data in my dissertation project to identify the mechanisms that mediate between media and Internet use, political attitude, and political behavior, as well as what effects media really create. I found that the cultural medium of laws and rights mediate media and Internet use, political attitude, and political behavior. Chinese netizens draw on this symbolic structure to make moral judgments about the state and non-state actors. These moral judgments have further impacted the formation of identity, motivated participation in public debates and collective action, and led to a boundary that divides state and non-state actors. My findings also enhance our very understanding of “media effects.” I found that, exposed to abundant information and various problems online, Chinese netizens, as opposed to non-netizens, have developed a higher standard of moral judgments based on laws and rights, as well as the capacity to think about the cause of various problems more structurally.

The historical and cultural sociology perspective

Unlike the media-centered perspective and the media effects perspective, the historical and cultural sociology perspective does not restrict itself to the media system. Instead, it provides comprehensive analysis of the public sphere, highlighting how institutional and social processes produce its social-cultural foundation (Alexander 2006; Emirbayer and Sheller 1999). Despite its merit, analysis from the historical and cultural sociology perspective tends to be grounded in understanding of Western liberal democracies. As a result, analytical frameworks from this perspective are based on assumptions that may not hold true in other contexts.

First, the historical and cultural sociology perspective takes for granted conditions that may not exist in other contexts, in particular, the existence of fundamental political and civic rights, a basic consensus about democracy, and a non-interventionist state. As a result, this perspective is limited when it comes to theorizing the rise of a counterpublic spheres in an environment where fundamental rights and a basic consensus about democracy are lacking and the state strictly regulates society. My study thus contributes to the historical and cultural sociology perspective by theorizing how legal institutions can create resources for resistance despite their deficiency of the legal institutions and how the overlap between the media and legal fields – partly produced by the state's action – can create structural opportunities for collective resistance despite penetrative domination.

Second, the historical and cultural sociology perspective overlooks factors that could be critical to the development of the public sphere in countries outside of Western liberal

democracies. Particularly, this perspective does not consider how global conditions and diffusion of norms can shape the development of the public sphere at a national-level. This is mainly because research from the historical and cultural sociology perspective studies countries in the global core – countries that are powerful in shaping global norms and institutions. My findings have demonstrated the need to take into account how global-local interaction can shape a national public sphere. The history of China's public opinion since the nineteenth century can actually be understood as a narrative about global-local interaction in the process of globalization. The Chinese state's decision to seek legitimacy by embracing, at least to a certain extent, global hegemonic norms set in motion complex institutions that, in turn, impacted the development of public opinion. Importantly, however, as Lin Yutang's work and my work show, the ways in which this process unfolds hinges on local contexts at specific historical moments.

6.3. BROADER IMPLICATIONS

6.3.1. Theories and practices of democracy

Beyond the literature related to the public sphere and civil society, this dissertation has broader implications for thinking about theories and practices of democracy. Highlighting how the development of the legal and media fields in China's integration with the global market economy contributed to the rise of an influential counterpublic sphere, this dissertation is situated at the intersection of three streams of discourse on democracy: discourse about market and democracy, rule of law and democracy, and technology and democracy. Market, rule of law, and technology are often perceived as

congruent to democracy in conventional wisdom. In this section, I discuss my findings in relation to discourse on how democracy is related to market, law, and technology, and consider how my findings can shed light on theories and practices of democracy.

According to Anglo-American conventional wisdom, a market economy and democracy are naturally congruent. A market economy is a precondition for democracy, so economic liberalization goes hand in hand with democratization. Three main rationales account for the presumably facilitative relationship between a market economy and democracy. The first rationale is that, as a sphere of self-organization, the market limits the power of the state. The second rationale is that a connection exists between market freedom and political freedom. Social agents who benefit from market freedoms, such as the bourgeoisie, tend to have an interest in advancing political freedom. The third rationale is that a market economy needs the support of rule of law, which is conducive to democracy (Beetham 1997).

Absent in these rationales about the supportive relationship between market and democracy but crucial in the Chinese case is the role of the state in the development of market and the consequences of the state action. First, in certain situations, the market can restrict the Chinese state's power, but the power of the market, if there is any, also derives from the way in which the Chinese state constructed the market in the first place. Secondly, a connection between market freedom and political freedom only exists to the extent that social agents can mobilize legal institutions that the CCP Party-state built in order to recognize and enforce various rights in a market economy. In Lin Yutang's narrative in the early twentieth century, market freedom was not translated into a rise of

public opinion because various social forces contributed to the under-development of legal institutions. Thirdly, legal institutions that enable a market economy can, to certain extent, advance democracy in China given the Chinese state's efforts to make legal knowledge widely accessible. In essence, the ostensibly natural supportive and facilitative relationship between markets and democracy is anything but natural, and this relationship cannot be fully specified or understood without taking into account the role of the state in constructing the market.

Whereas conventional wisdom overestimates the power of the market, the Chinese case suggests that it underestimates the force of law, particularly the democratic potential of undemocratic law. Rule of law is widely believed to be conducive to democracy – Habermas's theory of law exemplifies this assumption. According to Habermas, rule of law reflects the notion of self-determination. The law-making process requires democratic procedures to ensure that law reflects the will of citizens. Law can bind the state and citizens because law derives its validity from the consent of citizens (Habermas 1996). In other words, the consent from the governed justifies and counter-balances law's oppressive characteristics.

This link between law and democracy is absent in the Chinese case and makes Chinese law undemocratic according to conventional wisdom. The Chinese state does not adopt a thick formulation of rule of law. Rather, it adopts an extremely thin version of rule of law that legal scholars refer to as "rule *by* law." Under such a system, the government conducts its affairs through law, but democratic procedure in the law-making process is not a *sine qua non* (Tamanaha 2004:92) . Basically, the Chinese state enacts

and uses law as an instrument for governance and domination. Scholars and commentators thus contend that China's "rule by law" is undemocratic and lacks the quality of rule of law (Diamond 2003; Tamanaha 2004; Zhao 2003).

Despite its inadequacy, I argue that even "rule by law" can advance democracy under certain conditions as the establishment of "rule by law" provides an opportunity for citizens to form a community based on citizen identity, consider the meaning of rule of law and democracy, and demand more rights from the government. In the Chinese case, three conditions were important. The first condition is that modern Chinese law *acknowledges* the same basic civil, political, and socio-economic rights as their counterparts in liberal democracies, even though these rights are not realized and may even suppressed be by the government. My study finds that even when confined to a largely rhetorical existence, these rights empower citizens and give citizens grounds to make demands on the government. The second condition is that law became a shared cultural medium, providing a common language for citizens to discuss problems and develop a common identity. As I have mentioned, the Chinese state is one of the very few authoritarian states willing and able to disseminate law widely; this remains true regardless of how the state actually planned to enact and enforce law. The third condition is that experts, especially legal and media professionals, provided citizens with interpretations of laws and rights that competed with the official interpretation, thus raising citizens' expectations about rule of law and democracy. Under these conditions, "rule by law" – however flawed – has still generated social-cultural forces that aim to hold the government accountable and enhance citizen rights.

In essence, conventional wisdom neglects the relationship between rhetoric and reality. In E. P. Thompson's study of legal history in England, he found that although English liberal law reinforced social inequalities and benefited the ruling class, the ideology of law – the thinking that rulers ought to be bound by law – enabled the transformation of rhetoric to reality. As the ideology of law spread, it became a culture affecting the behavior of both the rulers and the ruled (Tamanaha 2004; Thompson 1975). Indeed, when rhetoric is taken for granted and deeply rooted in culture, it can become a social-cultural force with self-fulfilling properties.

In addition to the market and rule of law, certain forms of technology, especially ICTs, are also considered conducive to democracy according to conventional wisdom. There are two main rationales. First, technology can spread liberty and democracy. President Clinton's speech in 2000 that advocated granting China permanent normal trade relations status under the WTO exemplified this rationale; as he put it:

In the new century, liberty will spread by cell phone and cable modem....When China joins the WTO, by 2005, it will eliminate tariffs on information technology products, making the tools of communication even cheaper, better, and more widely available. We know how much the Internet has changed America, and we are already an open society. Imagine how much it could change China. Now, there's no question China has been trying to crack down on the Internet -- good luck. That's sort of like trying to nail Jello to the wall.... In the knowledge economy, economic innovation and political empowerment, whether anyone likes it or not, will inevitably go hand in hand.¹

Second, technology is believed to contribute to a participatory citizenry and culture, both of which are essential for democracy. Scholars continue to debate this relationship between technology and democracy, with some praising the democratic potential of

¹ President Clinton's address can be found at <http://www.techlawjournal.com/trade/20000309.htm>, accessed 27 June 2013.

technology, and others viewing the conventional wisdom as unrealistically romantic (Barber 1998; Barber 2000; Barney 2000; Benkler 2006; Sunstein 2007).

The Chinese case suggests that the effect of technology on democracy is context-dependent. But before elaborating on this point, it is important to clarify what we can and cannot glean from the Chinese case. The Chinese case is about incremental political change – how an influential counterpublic sphere capable of holding the government accountable on a regular basis can emerge and survive in an authoritarian context. It is not a case about revolution and regime transition as in the events comprising the so-called Arab Spring. In the Chinese case, technology is a catalyst that consolidated a series of historical processes. On the one hand, had it not been for ICTs, it could have been taken much longer for an influential counterpublic sphere to arise in China as ICTs did help to produce and spread critical political culture across social groups. ICTs are especially important in extending critical culture and practices from politicized elites to ordinary citizens. On the other hand, had it not been for the previous development and institution-building in the media and legal fields, the effect of ICTs would have been very limited. ICTs do not automatically spread democracy or lead to critical culture and practices. There need to exist the social-cultural foundations that support the production of critical culture and capable agents. Technology, on its own, is inert. It's the critical capable agents supported by networks, fields, and institutions who activate and employ ICT's effectively.

Nonetheless, though the Chinese case is not about regime transition and rapid political change, the insights from the Chinese case can help to think about the Arab

Spring. After the celebration of revolutions, regime transitions, and the triumph of technology and people, nations are still faced with how to strengthen the capacity of the state and hold the state accountable. The building of institutions that provide a nation's democratic social-cultural foundation is still key. The capability of people to use ICTs to seize the power of the state does not automatically translate into the capability to build solid institutions and to hold the state accountable on a regular basis.

6.3.2. The authoritarian resilience thesis

This study of the rise of the counterpublic sphere in China also helps to reflect upon a prevailing argument in Chinese studies – the authoritarian resilience thesis. China's recovery from the 1989 political crisis and its rising global influence has brought scholarly attention to the persistence of its authoritarian regime. Andrew Nathan's seminal article, "Authoritarian Resilience" (2003) triggered the recent trend of studying regime endurance, particularly in the Chinese context. Although Nathan does not explicitly define what he means by authoritarian resilience, his writing shows that he understands authoritarian resilience as the absence of transition from authoritarian regime to democracy. Drawing on Samuel Huntington's (1968) theory regarding the effect of institutionalization on political order, Nathan argues that institutionalization is a critical mechanism that has aided the CCP regime to address challenges, thus contributing to the regime's resilience. He pointed out that the regime as a whole enjoys high levels of acceptance because the regime has developed a variety of "input institutions," which include local village elections, administrative litigation, official agencies that handle citizen's complaints, People's Congress at all levels, and media. As these "input

institutions” enable citizens to address their grievances, they help to generate regime legitimacy at the mass level.

The authoritarian resilience thesis has galvanized many empirical studies in Chinese politics and comparative politics. In these studies, Chinese rulers are usually described as successful social engineers. They are portrayed as having designed institutions with good incentive structures and achieved the goals that they targeted accurately. Thus, they have been able to channel and defuse societal discontent and maintain the regime’s high support among citizens. The process of institutionalization is argued to have successfully generated intended consequences. For instance, the Chinese state has created commercialized, yet strictly regulated media that not only generate revenues but also disseminate propaganda (Stockmann 2013; Stockmann and Gallagher 2011). The state has also developed a variety of institutions, such as the Political Consultative Conference, that have successfully co-opted and incorporated non-party elites (Yan 2011). Moreover, the Chinese state has updated institutions, such as the People’s Congress and Internet forums, to facilitate deliberation in decision-making and, thus, buttress the regime legitimacy (Warren 2007).

Despite the overwhelming triumph of the authoritarian resilience thesis, there are concerns about whether scholars have adequately attended to the contradictory effects of institutionalization on regime stability. Minxin Pei (2012) provides an alternative explanation, arguing that the CCP regime has been able to endure because of political repression and China’s economic performance. He also points out the regime’s weakness behind its strong façade and the limits of the CCP’s strategies in the long run. The failure

of the CCP to provide adequate public goods, such as rule of law, public education and public health care, has generated mass disenchantment. Similarly, Larry Diamond (2012) states that China faces a looming crisis of authoritarianism.

I have three concerns with studies that advance the authoritarian resilience thesis. First, as long as a regime transition does not occur, any evidence showing institutions working for the interests of the Party-state can be used to support the authoritarian resilience thesis. Whether these aspects of institutional process have any causal relationship with the endurance of the authoritarian regime, however, is questionable.

Second, my study reveals a less triumphant picture of the institutional process in China than that suggested by the authoritarian resilience thesis and related studies. Although institution-building may appear effective in strengthening the authoritarian rule in the short run, this process has generated unintended and contradictory consequences in the long run. Particularly, the institutions established by the state have generated antagonism. The expectations created by institutional norms, particularly law, have led to citizens' dissatisfaction with multiple institutions (e.g., courts, media, local government, etc.) as the contradictions between such institutional norms and actual state practices become increasingly visible. The state's embrace of law without adequate determination and practices to realize the project has produced savvy citizens who are able to identify, reveal, and even spread information about the problematic contradictions in the regime. Although there is no solid evidence to show that this contradictory aspect of the institutional process will lead to regime transition, my findings in Chapter 5 and my analysis of survey data over time (as presented in Appendix A) do suggest that the

institutional process initiated by the Chinese state has failed to create regime legitimacy at the mass level and has even led to emerging mass disenchantment.

Third, the emphasis on the endurance and transition of the regime in the literature can neglect more nuanced changes in the authoritarian regime and the implications of these changes. With the unfolding of the institutional process and the rise of public opinion in China, although the authoritarian regime endures, more and more constraints have been placed on the Chinese state. The endurance of the regime can be understood as an outcome resulting from the continuing negotiation between the Chinese state and Chinese people, in which the Chinese state has increasingly had to give up some power in order to maintain its rule. Indeed, if the power relationship has tilted toward the people over time, the phenomenon that is called authoritarian resilience can also be understood as the advancement of democracy – that is, if we care not only about the line drawn by social scientists to distinguish authoritarian regimes from democratic regimes, but also about the substance of political life. Relatedly, I suggest the same criticism about the overemphasis on regime transition – or lack thereof – can be applied to research on the Arab Spring as more attention continues to be given to regime transition, rather than to how life conditions are or are not enhanced through incremental political change. In the case of China, we tend to be too pessimistic, reading lack of regime change as meaning no change in political. By contrast, in the case of the Arab Spring countries, there has been an opposite tendency among some to equate regime change with “everything’s all better” – when, sadly, recently events suggest that much remains to be done in terms of political freedoms.

6.4. GENERALIZABILITY, LIMITATIONS, AND FUTURE RESEARCH

This dissertation is motivated by the inadequate generalizability of the dominant theory of the public sphere, which theorizes the development of the public sphere based on Western European experiences. Rather than accepting that an active civil society is indispensable to the growth of a public sphere, I have contended that a social-cultural foundation is needed for a public sphere to grow and investigated the alternative path by which an influential counterpublic sphere developed in China. In the Chinese case, although an active civil society is absent, the institution-building process that the Chinese state set in motion inadvertently and paradoxically established the socio-cultural foundation for China's counterpublic sphere. In essence, by analyzing the Chinese case, I extend the theory of the public sphere to the Chinese context and enhance its generalizability.

I do not claim that my findings about the specific path by which the counterpublic sphere developed in China can be generalized to other contexts. As the difference between my study and previous studies based on cases in Western Europe demonstrates, varying socioeconomic, political, and cultural conditions can impact the development of the public sphere. Nonetheless, my findings about the unintended consequences of institutional processes for the growth of the counterpublic sphere may be applicable to other authoritarian contexts. One of my key findings is that, even more than the existence of media institutions that facilitate communication, the development of legal institutions, especially the dissemination of legal knowledge, was critical to the rise of China's counterpublic sphere. The importance of legal institutions in authoritarian contexts lies in

their providing citizens with cultural frames to make moral judgments and legitimate resources to resist the state.

To examine the extent to which the dynamics I uncovered in China might be applicable to other contexts, I analyzed the 2005-2008 World Values Survey data in five authoritarian countries (China, Vietnam, Morocco, Iran, and Jordan). My preliminary analysis, presented in Appendix B, finds that ICTs have significant politicized effects in attracting and producing citizens with critical views on the state – but, importantly, such effects only exist in authoritarian countries where the state endeavors to publicize laws and make law widely accessible, but simultaneously fails to protect fundamental rights (e.g., China and Iran). This suggests that it is not simply the existence of ICTs or even the existence of contradictions in state rhetoric and reality that matters; rather, it is the existence of a citizenry capable of identifying such contradictions and then using ICTs to discuss their implications. This preliminary analysis suggests that part of my findings about the specific development in China may shed light on research in other authoritarian contexts.

Despite its contributions, my dissertation does have some limitations. In terms of understanding the Chinese case, my findings can be restricted by case selection. I restricted my analysis to news produced by newspapers and Internet news providers. I did not analyze the development of radio, televisions, and other media because I argued that their development is less critical to the growth of China's counterpublic sphere. In addition, the selection of newspaper organizations for this research was restricted to the coastal region of China in order to facilitate comparison. Furthermore, in my analysis of

how the Internet impacted the growth of the counterpublic sphere in China, I did not conduct a comprehensive survey of all kinds of public forums and social media. Future research can examine the extent to which my main argument holds true after incorporating facts that were not presented in my analysis.

In terms of understanding the development of the public sphere in general, the Chinese case suggests just one possible developmental path. In-depth historical and comparative analysis is necessary to understand (1) the extent to which a social-cultural foundation is needed for the development of the public sphere, (2) the various paths by which such social-cultural foundation can develop, and (3) the various mechanisms by which the social-cultural foundation can impact the development of the public sphere. In many authoritarian countries, media systems are similar in that they are partially commercialized but still under the firm control of the state. Nevertheless, authoritarian countries vary widely in terms of the development of legal institutions and how their states use the media to disseminate law to citizens. This suggests that the connection between legal and media fields, and between these fields and citizens could be very different across countries. Future research can study how and why the configurations of these relationships vary across these countries, and how this impacts the development of counterpublic spheres therein.

Appendix A: Evidence Related to the Authoritarian Resilience Thesis

I use four survey data sets to examine the institutional process that Nathan (2003) posits as contributing to regime legitimacy and resiliency. The four survey data sets are the 2002 Asian Barometer Survey, the 2008 Asian Barometer Survey, the 2002 AsiaBarometer Survey and the 2006 AsiaBarometer Survey. The main data sets that I analyze are the 2002 and, particularly the 2008 Asian Barometer Survey, as these are nationally representative and contain more questions relevant to this study. I first show change over time and then present the analysis of the 2008 Asian Barometer Survey, which includes several questions that are able to examine the relationship between perceptions of institutional contradictions, use of information technology, and political attitudes towards institutions.

DECLINING TRUST IN INSTITUTIONS

Although Nathan (2003) argues that “input institutions” such as official agencies, People’s Congress at all levels, and media successfully generate mass support for the CCP Party-state, analysis of the 2002 and 2008 Asian Barometer Surveys (Table A-1) shows that Chinese people’s trust in the central government, local governments, courts, civil

service, People's Congress, newspapers, television, and police all declined over time in the period between 2002 and 2008. Applying logistic regression, I find that such decline of trust is statistically significant for all institutions examined in Table A-1. Conversely, distrust in every institution increased. Even courts, which suffer the least from loss in trust among all institutions, saw an increase in distrust in courts that rose by around 6%. Except for the distrust rate against courts and the police, distrust rates against all institutions at least doubled. Among these institutions, trust in local governments, newspapers and televisions dropped the most. In 2008, only around half of respondents expressed trust in the three institutions. In addition, there are a higher percentage of respondents who were not sure about whether the current form of government in China is best for citizens in 2008. Moreover, the percentage of respondents who believe that people running the Chinese government do what is right for the country fell tremendously, dropping from 75% to 52%.

TABLE A-3: Trust in institutions by year (Asian barometer surveys).

	Trust in the central government		Trust in local government		Trust in courts		Trust in civil service	
Year	2002	2008	2002	2008	2002	2008	2002	2008
A great deal or quite a lot of trust (%)	92.91	87.49	72.70	53.77	71.98	69.81	67.71	49.12
Not very much trust or no trust (%)	1.27	4.87	19.55	38.80	15.13	21.09	19.91	40.23
Don't know or no answer (%)	5.82	7.63	7.76	7.43	12.89	9.10	12.37	10.65
Regress "trust vs. others" on year	- 0.628*** (0.101)		-0.828*** (0.060)		-0.105* (0.061)		-0.776*** (0.058)	
	Trust in parliament		Trust in newspapers		Trust in television		Trust in the police	
Year	2002	2008	2002	2008	2002	2008	2002	2008
A great deal or quite a lot of trust (%)	86.63	82.40	71.76	43.12	84.42	51.03	76.70	67.23
Not very much trust or no trust (%)	1.29	6.15	12.90	43.58	7.57	39.46	17.13	25.56
Don't know or no answer (%)	12.48	11.45	15.34	13.30	8.01	9.51	6.18	7.21
Regress "trust vs. others" on year	-0.290*** (0.082)		-1.209*** (0.060)		-1.645*** (0.071)		-0.473*** (0.062)	
	Our form of government is the best for us.		You can trust people who run our government to do what is right.					
Year	2002	2008	2002	2008				
Agree (%)	75.93	73.47	73.49	51.46				
Disagree (%)	4.49	2.74	13.83	32.83				
Don't know or no answer (%)	19.58	23.79	12.68	15.71				
Agree vs. others by year	-0.130* (0.065)		-0.962*** (0.062)					

1. Standard errors in parentheses. * p < 0.05, ** p < 0.01, *** p < 0.001 (one-tailed).

2. Source: 2002 Asian Barometer Survey (n=3,138) and 2008 Asian Barometer Survey (n=5,098).

To ensure the validity of such a trend, I examined the 2003 and 2006 AsiaBarometer Surveys, although the 2003 AsiaBarometer Survey is not nationally representative. Analysis of the AsiaBarometer Surveys, as presented in Table A-2, reveals an analogous trend. Trust in the central government, local governments, the legal system, People's Congress, media, and the police all dropped over time. Conversely, distrust in all institutions rose greatly. In 2008, the distrust rate vis-à-vis the central government, the legal system, and the parliament reached 13.7%, 34.4%, and 26.85%, respectively. In addition, the distrust rate against the legal system is only 3.5% lower than that against the infamous Chinese local governments. Similar to the analysis of the Asian Barometer Surveys, local governments and media suffered from the greatest loss of trust. I also show trust in public education and the public health system over time because Pei (2012) criticizes the Chinese state for failing to provide essential public goods, particularly education and health care in his criticism of the authoritarian resilience thesis. The results are supportive of Pei's statement. Trust in the two institutions clearly declined drastically and distrust rose tremendously. Judging from the analysis of the Asian Barometer Surveys and AsiaBarometer Surveys, there is an unequivocal trend of declining trust and climbing distrust in institutions, although the rates vary across institutions. The "input institutions" pointed out by literature as keys to enhancing regime legitimacy in the authoritarian resilience literature, specifically the legal system, media, and People's Congress, also face increasing distrust.

TABLE A-4: Trust in institutions by year (Asiabarometer surveys).

	Trust in the central government		Trust in local government		Trust in the legal system		Trust in parliament	
Year	2003	2006	2003	2006	2003	2006	2003	2006
A great deal or quite a lot of trust (%)	90.13	84.70	80.25	59.85	73.88	64.70	81.88	71.25
Not very much trust or no trust (%)	8.88	13.70	18.25	37.85	22.88	34.40	14.88	26.85
Don't know or no answer (%)	1.00	1.60	1.50	2.30	3.25	0.90	3.25	1.90
	Trust in media		Trust in the police		Trust in public education		Trust in the public health system	
Year	2003	2006	2003	2006	2003	2006	2003	2006
A great deal or quite a lot of trust (%)	71.00	41.20	70.75	64.40	84.00	71.45	70.13	44.65
Not very much trust or no trust (%)	26.50	57.75	27.88	35.00	14.50	27.80	28.00	54.60
Don't know or no answer (%)	2.50	1.05	1.38	0.60	1.50	0.75	1.88	0.75

1. Source: 2003 AsiaBarometer Survey (n=800) and 2006 AsiaBarometer Survey (n=2,000).

I also examine the implication of lack of trust in various institutions for trust in the central government, using the 2002 and 2008 Asian Barometer Surveys. The results, as presented in Table A-3, indicate that lack of trust in local government, courts, People's Congress and television is associated with a lower likelihood of trusting in the central government. Specifically, according to the analysis of the 2008 Asian Barometer Survey, the odds of trusting the central government decrease by 70% [$100*(1 - e^{-1.194})$], 90% [$100*(1 - e^{-2.349})$], 92% [$100*(1 - e^{-2.489})$] and 38% [$100*(1 - e^{-0.479})$] for respondents who lack trust in local governments, courts, People's Congress and television, respectively, holding other variables constant. Consequently, when the "input institutions" themselves do not receive trust from the populace, they are less likely to generate support for the central government.

TABLE A-5: Relationships between distrust in “input institutions” and trust in the central government (Asian Barometer Surveys).

	Trust in the central government 2002	Trust in the central government 2008
Not much trust in local government	-2.220*** (0.286)	-1.194*** (0.232)
Not much trust in courts	-0.913*** (0.275)	-2.349*** (0.220)
Not much trust in civil service	-0.350 (0.277)	0.00897 (0.259)
Not much trust in parliament	-1.859*** (0.246)	-2.489*** (0.162)
Not much trust in newspapers	0.0624 (0.294)	0.0995 (0.280)
Not much trust in television	-0.547 (0.310)	-0.479* (0.242)
Not much trust in the police	-0.132 (0.247)	-0.0520 (0.184)
n	3183	5075

1. Standard errors in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

2. Control variables include gender, age, education, and subjective class.

3. Source: 2002 Asian Barometer Survey (n=3,138) and 2008 Asian Barometer Survey (n=5,098).

PERCEPTIONS OF INSTITUTIONAL CONTRADICTION AND TRUST IN INSTITUTIONS

Although institution-building may appear effective in strengthening the authoritarian rule in the short run, this process can generate contradictory consequences in the long run. The expectations created by institutional norms can lead to citizens' dissatisfaction with institutions as the contradictions between such institutional norms and actual state practices become increasingly visible.

I analyze the 2008 Asian Barometer Survey to examine the relationships between perceptions of institutional contradictions and trust in institutions. The descriptive statistics of major variables are presented in Table A-4. Applying logistic regression, I find that perceptions of institutional contradictions have constant negative impacts on trust in all kinds of institutions (Tables A-5). Specifically, when a respondent believes that local or central governments could be corrupt, he or she is less likely to trust a variety of institutions. Suspicion about the government officials' holding important information also decreases the likelihood that a respondent will trust various institutions, including media. The factor that has the most detrimental effect on trust in institutions is the perception that the central government does not always abide by the law. Such perception has the largest impact on trust in the central government and on the belief that the current form of the government is the best. Specifically, for respondents who believe that the central government does not always abide by the law, the odds of trusting the central

government and of believing that the current form of government is the best both decrease by 61% [$100*(1 - e^{-0.929})$; $100*(1 - e^{-0.950})$], controlling for other factors.

TABLE A-6: Descriptive statistics of the 2008 Asian barometer survey.

Variable	Definition	Mean	Min	Max	SD
Female	1=female	0.49	0	1	0.50
Age	Respondent's age in years	47.66	18	99	16.07
Education level					
Below primary	1=below primary	0.23	0	1	
Primary	1=primary	0.20	0	1	
Secondary	1=secondary	0.47	0	1	
Tertiary	1=tertiary	0.04	0	1	
No answer	1=no answer	0.06	0	1	
Local government could be corrupt	0=not very corrupt 1=others	0.69	0	1	0.46
Central government could be corrupt	0=not very corrupt 1=others	0.66	0	1	0.47
Government officials withhold information	1=Government officials withhold important information at least occasionally	0.40	0	1	0.49
National government does not always abide by law	0=National government officials abide by the law most of the time 1=others	0.33	0	1	0.47
Main source of political information					
Internet	1=Internet	0.07	0	1	0.25
Newspaper	1=newspaper	0.21	0	1	0.41
Television	1=television	0.89	0	1	0.32
Radio	1=radio	0.12	0	1	0.32

TABLE A-7: Logistic regression of trust in institutions.

	(1) Trust in the central governmen t	(2) Trust in local governmen ts	(3) Trust in courts	(4) Trust in civil service	(5) Trust in parliament	(6) Trust in newspaper
Local government could be corrupt	-0.439* (0.196)	-0.663*** (0.0972)	-0.465*** (0.112)	-0.445*** (0.0942)	-0.279 (0.156)	-0.176 (0.0938)
Central government could be corrupt	-0.962*** (0.185)	0.222* (0.0929)	-0.396*** (0.105)	-0.00917 (0.0922)	-0.772*** (0.146)	-0.146 (0.0915)
Government officials withhold information	-0.312* (0.128)	-0.491*** (0.0787)	-0.551*** (0.0861)	-0.465*** (0.0795)	-0.135 (0.108)	-0.243** (0.0796)
National government does not always abide by law	-0.929*** (0.120)	-0.714*** (0.0821)	-0.645*** (0.0860)	-0.653*** (0.0834)	-0.745*** (0.104)	-0.467*** (0.0852)
Main source of political information						
Internet	-0.984*** (0.231)	-0.116 (0.152)	-0.0984 (0.168)	-0.177 (0.156)	-0.406 (0.219)	-0.307 (0.166)
Newspaper	-0.199 (0.173)	0.0547 (0.0998)	-0.0606 (0.110)	-0.0465 (0.0986)	-0.414** (0.147)	0.0539 (0.0981)
Television	0.552*** (0.154)	0.157 (0.123)	0.443*** (0.123)	0.239 (0.123)	0.540*** (0.136)	0.244 (0.126)
Radio	0.314 (0.193)	0.0752 (0.117)	0.0840 (0.124)	0.122 (0.115)	0.0820 (0.165)	0.271* (0.111)

	(7)	(8)	(9)	(10)
	Trust in television	Trust in the police	Our form of governmen t is the best for us	You can trust people who run our government to do what is right
Local government could be corrupt	-0.194* (0.0942)	-0.666*** (0.106)	-0.413** (0.137)	-0.232* (0.0938)
Central government could be corrupt	-0.284** (0.0908)	-0.0420 (0.101)	-0.586*** (0.128)	-0.102 (0.0910)
Government officials withhold information	-0.454*** (0.0798)	-0.713*** (0.0846)	0.445*** (0.103)	-0.0855 (0.0785)
National government does not always abide by law	-0.563*** (0.0836)	-0.753*** (0.0845)	-0.950*** (0.0937)	-0.698*** (0.0829)
Main source of political information				
Internet	-0.349* (0.161)	-0.123 (0.164)	0.0499 (0.222)	-0.635*** (0.171)
Newspaper	-0.0139 (0.100)	-0.212* (0.106)	0.0877 (0.139)	0.0885 (0.101)
Television	0.396** (0.124)	0.276* (0.123)	0.371** (0.133)	0.195 (0.122)
Radio	0.316** (0.113)	0.136 (0.125)	0.528** (0.166)	0.0828 (0.116)

1. Standard errors in parentheses. * p < 0.05, ** p < 0.01, *** p < 0.001.

2. Source: 2008 Asian Barometer Survey (n=5,075).

3. Control variables include gender, age, education level, subjective class, frequency of following political news, and perceived impact of politics on daily life.

MEDIA USE, PERCEPTIONS OF INSTITUTIONAL CONTRADICTION, AND TRUST IN INSTITUTIONS

I further examine where perceptions of institutional contradiction come from, finding that respondents whose main source of political information is the Internet are more likely to think that government officials withhold information, that the central government does not always follow the law, and that local government could be corrupt (Table A-6).

Analysis of the 2008 Asian Barometer Survey also helps to evaluate the claim about the role of the Internet in strengthening regime legitimacy. Research that supports the authoritarian resilience thesis suggests that the Internet actually buttress the regime legitimacy (Warren 2007). As statistical analysis in Table A-5 shows, the relationship between relying on the Internet as one's main source of political information and trust in institutions varies across institutions. There is a significant inverse relationship between using the Internet as the primary source of political information, on the one hand, and trust in the central government, trust in television, and belief that the current form of the government is the best, on the other hand, holding other variables constant. Accordingly, it is more likely that the Internet erodes, rather than strengthens the regime legitimacy.

TABLE A-8: Logistic regression analysis of perception of institutional contradictions.

	(1) Government officials withhold information	(2) National government does not always abide by law	(3) Local government could be corrupt	(4) Central government could be corrupt
Main source of political information				
Internet	0.458** (0.165)	0.457** (0.173)	0.492** (0.179)	0.141 (0.163)
Newspaper	0.345*** (0.101)	0.00352 (0.112)	0.0355 (0.104)	-0.197† (0.102)
Television	0.378** (0.142)	-0.645*** (0.124)	-0.444** (0.149)	-0.532*** (0.146)
Radio	0.148 (0.119)	-0.305* (0.132)	-0.209† (0.120)	-0.182 (0.115)
n	5075	5075	5075	5075

1. Standard errors in parentheses. * p < 0.05, ** p < 0.01, *** p < 0.001.

2. Source: 2008 Asian Barometer Survey (n=5,075).

3. Control variables include gender, age, education level, frequency of following political news, subjective class, and perceived impact of politics on daily life.

Appendix B: Heterogeneous Political Effects of the Internet

POLITICAL CONTEXT, CULTURAL MEDIUM, AND THE POLITICAL EFFECTS OF THE INTERNET

Although literature suggests that the Internet attracts and helps produce politicized citizens because it is a forum able to accommodate diverse viewpoints and mobilize political participation (Rheingold 2000; Weber et al. 2003), how political contexts moderate or mediate such politicized effect has received little empirical study. Answering this question requires identifying the sociopolitical foundation of the public sphere and its characteristics across political contexts. Guillén and Suárez (2006) suggest the existence of a “rich-get-richer” effect, arguing that countries that are already democratic are better situated to utilize information technologies politically as they have a more solid political foundation. Conversely, information technologies are unlikely to help spread democracy within authoritarian countries, precisely given their already insufficient democratic foundation. Regardless of the validity of Guillén and Suárez’s prediction, their view on the importance of a political foundation is critical. In fact, their view resonates with literature on the public sphere that points to the indispensability of a sociopolitical foundation,

specifically, an autonomous civil society, for a thriving public sphere (Calhoun 1993:296-7; Eley 1992; Habermas 1996:269, 382; Somers 1993). Habermas (1996:359) identifies two necessary conditions for a mobilized public sphere. The first condition is a public with the capacities to identify, interpret and present society-wide problems. Such capacities anchor in “the voluntary associations of civic society and [are] embedded in liberal patterns of political culture and socialization” (Habermas 1996:359). The second condition is sufficient occasion to exercise the above capacities. Specifically, there should be a need to solve problems of societal integration. Habermas states that the second condition is easily satisfied as problems tend to accumulate over time, whereas the first condition is more difficult to attain.

To consider the political impact of the Internet in authoritarian contexts on politicization, it is necessary to explore how the two conditions identified by Habermas may vary across political contexts. Few people would dispute that an autonomous civil society is less likely to exist in authoritarian countries. Nevertheless, does the absence of an autonomous civil society rule out the possibility that some kind of sociopolitical foundation capable of fostering liberal political culture and socialization could exist in such contexts? Emirbayer and Sheller (1999) suggest that the presence of an autonomous civil society itself may not be the most critical key. What are essential to the development of the public sphere could be the social networks and shared symbolic resources that connect individuals and facilitate their capacity to identify and thematize problems. It is true that voluntary associations in the society often play a significant role in creating social networks and

shared symbolic structures, but an activist state could also improve conditions for citizen participation in opinion formation (Asen and Brouwer 2001; Baiocchi 2003; Fraser 1990; Schudson 1994).

In authoritarian contexts, I argue that a non-monolithic state and the possibility of unintended consequences of state-building create conditions in which infrastructure built by the state can foster oppositional discourse. In addition, literature suggests that laws and legal institutions, even those built by authoritarian states, could be critical resources that aid resistance. In the democratization processes of South Korea and Taiwan, legal structures established by authoritarian leaders were mobilized by elites and citizens to resist domination and make demands for democracy. Notably, both South Korea's and Taiwan's constitutions recognized fundamental rights, thus empowering citizens and providing grounds for resistance. The development of legal institutions also led to the emergence of political elites familiar with the official language of law. Some of these elites turned out to be oppositional leaders (Cheng 1989; Cotton 1989). Accordingly, even in an authoritarian context where an autonomous civil society is absent, social networks and symbolic resources that can facilitate political mobilization of citizens are still likely to exist, partly as an unintended outcome of state-building. The diffusion of information technologies provide an opportunity for such social networks and symbolic resources to expand.

The second condition that Habermas points out is a need to solve the problems of societal integration. It could be argued that such need is even higher in authoritarian contexts that lack adequate institutions for political participation and grievance resolution.

In authoritarian contexts such as China, citizens often encounter difficulty in participating in politics (Yang 2009:119). Also, news media, courts and other institutions are often too dysfunctional to address grievances (Cai 2008). Insufficient and ineffective institutions for citizens to express opinion and address problems could make the Internet a space where citizens enunciate their problems.

The above discussion suggests that authoritarian countries could still have the sociopolitical foundation for the development of the public sphere, despite the absence of an autonomous civil society. Shared symbolic resources, especially laws and the concept of rights, help citizens to recognize exclusion and articulate problems. The Internet may have even stronger effects in attracting and producing citizens with critical views on the state in authoritarian versus other contexts [**Hypothesis 1**] precisely due to insufficient institutions in the former. In addition, symbolic resources that facilitate resistance may develop differently within authoritarian countries. Such variation could impact the political ramifications of the Internet. As a symbolic structure, law raises expectations and helps to articulate problems. The development of legal institutions is also likely to generate social networks that could be mobilized for resistance. Hence, when an authoritarian state disseminates law without instituting the sociopolitical changes necessary for citizens to realize those rights, it creates a dilemma for itself. Ultimately, although an authoritarian state can use law to govern its populace, the state's selective compliance with laws and dubious respect for rights can render it vulnerable to having those laws and rights marshaled against it (Alford 1993). Accordingly, the Internet could have larger politicized

effects in authoritarian countries where the state does a better job publicizing law than building institutions that actually protect rights [**Hypothesis 2**].

DATA AND METHODS

I draw on data from 48 countries, using the latest wave of the World Values Surveys (WVS, 2005-8) for analysis. The dataset has 54 countries, but because questionnaire items on my variables are not available for six countries, my analysis is restricted to 48 countries. The dependent variable is a dichotomous variable: distrust in the government.¹ This is the only variable in the survey that taps whether respondents have critical views on the state. Although the variable does not directly measure how respondents are critical of the state and official discourse, distrust in the government manifests as citizens' general negation of the state, including its credibility, practices and discourse. Since my main interest is the extent to which the relationship between Internet use and critical views on the government varies across political contexts, the main individual-level independent variable is Internet use. To avoid omitted variable bias, I follow literature on political communication, especially analyses of the WVS, to incorporate variables noted to be related to political attitudes and access to the Internet. These variables measure media consumption, socioeconomic characteristics, life satisfaction, political interest and political membership

¹ The survey item (V136) asks: "Do you trust the government in your capital?" Respondents who responded "not very much" or "none at all" are coded as 1 and otherwise ("a great deal," "quite a lot," "no answer," or "don't know") are coded as 0.

(Lei 2011; Norris and Inglehart 2009). The descriptive statistics for the dependent variable and individual-level independent variables can be found in Table A-7.

TABLE A-9: Descriptive statistics of individual-level data.

Dependent variables	Min	Max	Mean/Proportion	SD	N
Distrust in the government	0	1	0.50	0.50	69,077
Independent variables					
Information source					
Newspaper	0	1	0.54	0.50	69,077
Radio or TV	0	1	0.86	0.35	69,077
Internet	0	1	0.27	0.45	69,077
Age	15	98	41.54	16.68	68,850
Female	0	1	0.51	0.50	69,077
Education (vs. no education)					
No Answer	0	1	0.01	0.09	69,077
Primary	0	1	0.22	0.42	69,077
Secondary	0	1	0.49	0.50	69,077
Tertiary	0	1	0.20	0.40	69,077
Government worker	0	1	0.17	0.38	69,077
Professional	0	1	0.07	0.26	69,077
Farmer or agricultural worker	0	1	0.08	0.27	69,077
Manual worker	0	1	0.22	0.41	69,077
Student	0	1	0.08	0.27	69,077
Unemployed	0	1	0.10	0.30	69,077
Household income	1	10	4.65	2.34	61,378
Life satisfaction	1	10	6.86	2.27	68,231
Happiness	1	10	0.82	0.39	69,077
Interested in politics	0	1	0.46	0.50	69,077
Politics is important	0	1	0.42	0.49	69,077
Political party membership	0	1	0.16	0.37	69,077

NOTE.—Independent variables with missing values are dummied out. Data are weighted by country weights. Source: World Values Surveys 2005-8, fifth wave.

I collect country-level data from multiple sources. The main country-level independent variable in Hypothesis 1 is political regime. I classify countries into non-authoritarian and authoritarian countries based on the 2007 Democracy Index. There are six authoritarian countries in the dataset, including China, Vietnam, Morocco, Iran,

Jordan, and Burkina Faso. Hypothesis 2 examines variation within authoritarian countries. The main country-level independent variable is the gap between the state's efforts to publicize laws versus its same efforts to ensure citizens realize rights. Drawing on the 2011 Rule of Law Index, I construct an indicator to measure such gap.² Two items in the Index are relevant. "Open government" measures how well states publicize laws and make laws comprehensible to citizens. "Fundamental rights" measures how well states protect fundamental rights. I subtract the score of "fundamental rights" from that of "open government" to measure the gap between the state's efforts in both areas. As the 2011 Rule of Law Index does not include Burkina Faso, my examination is limited to five authoritarian countries.

I also collect data about the following country-level variables that may influence distrust in the state and individual Internet use: (1) The 2007 KOF economic globalization indicator: There have been debates over whether economic liberalization leads to political liberalization and democratization (Bueno de Mesquita and Downs 2005:238-9; Guthrie 2009). Therefore, level of economic liberalization could potentially influence attitude towards the state. As the KOF economic globalization indicator measures flows of capital and goods as well as trade barriers, it is a good indicator of economic liberalization. (2) World Bank Gross National Income (GNI) per capita in 2007: Literature suggests that

² To the best of my knowledge, the 2010 and 2011 Rule of Law Indices are the only indices that provide information about how well states publicize laws and protect rights. Unfortunately, the 2010 Index only includes three out of the six authoritarian countries in my dataset. To minimize missing data, I decided to use the 2011 Index. Since the status of rule of law does not fluctuate much within a short period, the 2011 Index should reasonably reflect the status of rule of law between 2005 and 2008.

national income per capita is related to political liberalization and political attitudes toward the state (Przeworski and Limongi 1997). GNI is also likely to associate with individual Internet use. (3) The 2007 Corruption Perception Index: Perceived corruption could be also related to attitudes toward the state. (4) Percentage of individuals using the Internet in 2007: This measures how widely the Internet is used by the population in a country. The sources and descriptive statistics for country-level independent variables are presented in Table A-8.

TABLE A-10: Descriptive statistics of country-level data.

Independent variables	Min	Max	Mean/Proportion	SD	N
KOF economic globalization	25.01	93.63	67.03	15.33	48
GNI per capita, PPP (current international \$)	800	55,660	18188.33	15,045.81	48
Authoritarian regime	0	1	0.13	0.33	48
Percentage of individuals Internet use	0.37	86.93	37.73	28.00	48
Corruption perception index	2.3	9.4	5.04	2.31	48
Gap between the efforts of the government to publicize law and to protect rights	-0.06	0.14	-0.04	0.09	5

NOTE.— (1) The higher the corruption perceptions index value, the lower the perceived corruption. (2) Source: Swiss Federal Institute of Technology Zurich (ETH Zurich), World Bank, Economist Intelligence Unit, International Telecommunication Union, International Telecommunication Union, Transparency International, and the World Justice Project.

I employ hierarchical models to analyze data. Since respondents are nested within countries, multilevel models allow simultaneous examination of the effects of individual- and country-level variables and their interactions. Importantly, multilevel models provide correct and robust estimation of coefficients and standard errors (Raudenbush and Bryk 2002). I apply multilevel logistic regression models since the dependent variable is binary. I include all individual-level variables as fixed effects due to the small number of countries and simplification. However, I include a random intercept to control for different means across countries.

RESULTS

My analysis of the 48 country data is presented in Table A-9. I start from a baseline model (Model 1), which only incorporates individual-level independent variables and a random intercept. The association between individual Internet use and critical attitudes towards the state is marginal. Then, I add authoritarian regime as a contextual variable and an interaction term of individual use and authoritarian regime (Model 2). The results show that respondents in authoritarian countries are less likely to have critical views on the government. In addition, the association between individual Internet use and critical views on the state in non-authoritarian contexts is negligible. Importantly, authoritarian contexts interact with individual Internet use, implying that the size of association between Internet use and critical attitudes towards the state is significantly larger in authoritarian contexts. Finally, I added other country-level variables and their interactions with individual Internet use (Model 3). The direct effect of authoritarian contexts on political attitudes, as well as the effect of authoritarian contexts in moderating the association between Internet use and distrust in the state remains significant. None of the other country-level independent variables have significant contextual effects. Neither do they significantly interact with individual Internet use. Specifically, the odds that an Internet user distrusts the state are $1.42 (e^{.352})$ times greater in authoritarian versus other contexts, holding all other variables constant. This result supports Hypothesis 1.

TABLE A-11: Hierarchical regression models on distrust in the government in 48 countries.

	Model 1		Model 2		Model 3	
Independent variables	Coeff	Robust SE	Coeff	Robust SE	Coeff	Robust SE
Country-level effects						
Intercept	.044	.148	.292	.113*	.763	.587
Authoritarian regime			-1.698	.600**	-1.582	.366** *
KOF economic globalization					-.006	.010
GNI per capita					.000	.000
Corruption perceptions index					-.142	.114
Percentage of individuals use					.004	.012
Individual-level effects						
Information source						
Internet	.079	.045†	.038	.049	.250	.112*
Newspaper	.075	.033*	.070	.033*	.061	.020**
Radio or TV	-.052	.053	-.048	.052	-.049	.028†
Age	-.003	.001*	-.004	.001*	-.004	.001** *
Female	-.075	.024**	-.075	.024**	-.075	.017** *
Education (vs. no education)						
No Answer	.150	.121	.118	.119	.106	.103
Primary	.217	.053** *	.185	.052**	.178	.041** *
Secondary	.417	.073** *	.381	.074** *	.371	.042** *
Tertiary	.436	.098** *	.402	.094** *	.385	.047** *
Working in the government	-.074	.036*	-.077	.035*	-.074	.024**
Professional	.031	.055	.036	.054	.034	.036
Farmer or agricultural worker	-.060	.071	-.057	.067	-.050	.040
Manual worker	.050	.038	.050	.038	.480	.023*
Student	-.026	.057	-.032	.056	-.046	.035
Unemployed	.045	.053	.040	.053	.042	.030
Household income	.001	.010	-.000	.010	.001	.004
Life satisfaction	-.067	.008** *	-.067	.008** *	-.068	.004** *
Happiness	-.181	.030** *	-.181	.030** *	-.184	.025** *

Interested in politics	-.180	.038** *	-.180	.038** *	-.177	.022** *
Politics is important	-.229	.033** *	-.230	.032** *	-.229	.020** *
Political party membership	-.093	.060	-.094	.060	-.097	.025** *
Cross-level interaction						
Internet x Authoritarian regime			.467	.143**	.352	.086** *
Internet x KOF economic globalization					.001	.002
Internet x GNI per capita					-.000	.000
Internet x Corruption perception index					-.037	.022†
Internet x Percentage of individuals					-.002	.002
Internet use						

NOTE.—(1) Coeff denotes coefficients and robust SE denotes robust standard errors. (2) † $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$ (two-tailed tests). (3) Independent variables with missing values are dummied out. (4) Data are weighted by country weights.

Next, I explore how symbolic resource of law impact Internet's politicized effects within authoritarian contexts. I first run models for each country separately and present the results in Table A-10. Internet use is significantly associated with distrust in the government only in China and Iran. Next, I analyze the five-country dataset and present the results in Table A-11. I start analysis from a baseline model (Model 4), which only incorporates individual-level independent variables and a random intercept. The relationship between Internet use and critical attitudes toward the state is significant. I further explore cross-level interaction effects. The small number of authoritarian countries and the correlation between country-level variables highly constrain my statistical analysis. I only plug in one cross-level interaction each time. The results of Model 5 indicate that the

gap between the state's efforts in publicizing law and realizing rights is positively related to the size of the Internet effect. In fact, China and Iran are the only authoritarian countries of the five I examined where the state does a better job in publicizing law than building institutions to protect rights. It is noteworthy that the existence of such a gap is unusual. Among the 66 places covered in the Rule of Law Index, a positive gap exists only in China, Iran, Hong Kong and the United Arab Emirates. Most governments attend more to protecting rights than disseminating laws. Although the results of Model 5 support Hypothesis 2, unfortunately, I cannot rule out some confounding relationships due to data limitation. Models 7 and 9 show that GNI per capital and percentage of individual Internet use are positively and negatively related to the size of the Internet effect, respectively. In any event, my analysis does suggest the possibility that laws and rights play an important role in impacting the politicized effects of the Internet in authoritarian contexts.

TABLE A-12: Logistic regression models on distrust in the government in five authoritarian countries.

	China	Vietnam	Morocco	Iran	Jordan
Information source					
Internet	0.545* (0.302)	0.510 (0.595)	0.238 (0.219)	0.385*** (0.115)	0.224 (0.241)
Newspaper	-0.0254 (0.245)	0.115 (0.486)	0.0113 (0.221)	0.151* (0.0881)	-0.204 (0.201)
Radio or TV	-0.199 (0.219)	0.129 (1.122)	0.0951 (0.172)	-0.214* (0.117)	0.220 (0.271)
Constant	-1.487** * (0.420)	-1.835 (1.521)	-0.149 (0.293)	-0.643** * (0.219)	-2.513** * (0.623)

NOTE.—(1) Standard errors in parentheses. (2) * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$ (one-tailed tests). (3) Independent variables with missing values are dummied out.

TABLE A-13: Hierarchical regression models on distrust in the government in five authoritarian countries.

Independent variables	Model 4	Model 5	Model 6	Model7	Model 8	Model 9
Intercept	-1.676 [†] (.726)	-1.704 [†] (.726)	-1.669 [†] (.722)	-1.675 [†] (.719)	-1.676 [†] (.726)	-1.687 [†] (.723)
Individual-level effects						
Information source						
Internet	.300** (.085)	.095 (.120)	.454* (.200)	-.161 (.219)	.595 [†] (.331)	.810*** (.224)
Newspaper	.101 (.070)	.110 (.070)	.102 (.070)	.108 (.070)	.102 (.070)	.109 (.070)
Radio or TV	-.068 (.082)	-.064 (.082)	-.065 (.082)	-.063 (.082)	-.065 (.082)	-.062 (.082)
Age	-.005* (.003)	-.005* (.003)	-.005* (.003)	-.006* (.003)	-.005* (.003)	-.006* (.003)
Female	-.146* (.060)	-.143* (.060)	-.147* (.060)	-.144* (.060)	-.147* (.060)	-.144* (.060)
Education (vs. no education)						
No Answer	.546 (.479)	.591 (.481)	.547 (.479)	.572 (.480)	.549 (.480)	.580 (.480)
Primary	.175 (.110)	.223* (.112)	.180 (.110)	.214 [†] (.111)	.181 [†] (.110)	.221 [†] (.111)
Secondary	.521*** (.117)	.575*** (.119)	.525*** (.117)	.562*** (.118)	.526*** (.117)	.570*** (.118)
Tertiary	.949*** (.141)	.978*** (.142)	.950*** (.142)	.971*** (.142)	.951*** (.142)	.975*** (.142)
Working in the government	-.098 (.097)	-.098 (.097)	-.099 (.097)	-.102 (.098)	-.098 (.097)	-.101 (.098)
Professional	.179 (.186)	.201 (.185)	.195 (.187)	.218 (.186)	.194 (.187)	.217 (.186)
Farmer or agricultural worker	-.207 (.148)	-.219 (.148)	-.223 (.149)	-.263 [†] (.150)	-.217 (.149)	-.255 (.149)
Manual worker	.320** (.112)	.278* (.113)	.308** (.113)	.267* (.114)	.310** (.113)	.266* (.114)
Student	-.168 (.139)	-.180 (.139)	-.177 (.140)	-.186 (.140)	-.178 (.139)	-.186 (.140)
Unemployed	.014 (.104)	.004 (.104)	.009 (.104)	-.002 (.104)	.009 (.104)	-.002 (.104)
Household income	.019 (.018)	.017 (.018)	.018 (.019)	.017 (.019)	.018 (.019)	.016 (.019)
Life satisfaction	-.086*** (.014)	-.086*** (.014)	-.086*** (.014)	-.086*** (.014)	-.086*** (.014)	-.086*** (.014)
Happiness	-.414 (.080)***	-.409 (.080)***	-.410 (.080)***	-.407 (.080)***	-.410 (.080)***	-.407 (.080)*
Interested in politics	-.162* (.069)	-.153* (.069)	-.161* (.069)	-.157* (.069)	-.161* (.069)	-.156* (.069)
Politics is important	-.124 [†] (.067)	-.120 [†] (.067)	-.123 [†] (.067)	-.120 [†] (.067)	-.122 [†] (.067)	-.119 [†] (.067)

Political party membership	-.162 (.119)	-.177 (.120)	-.164 (.119)	-.169 (.120)	-.166 (.119)	-.172 (.120)
Cross-level interaction						
Internet x Gap between publicized		2.819*				
Law and rights protection		(1.132)				
			-.004			
Internet x KOF economic globalization			.(005)			
Internet x GNI per capita				.000058* (.000)		
Internet x Corruption perception index					-0.095 (.104)	
						-0.036*
Internet x percentage of individuals Internet use						(.014)

NOTE.—(1) Standard errors in parentheses. (2) † $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$ (two-tailed tests). (3) Independent variables with missing values are dummied out. (4) Data are weighted by country weights.

In sum, my analysis of cross-national survey data shows that political contexts inflect the effects of the Internet. Contrary to the expectation that the Internet is less likely to have political ramifications in authoritarian contexts due to the absence of a democratic foundation and an autonomous civil society, I find that the Internet has a *stronger* politicized effect in creating a boundary between citizens and the state in authoritarian versus non-authoritarian contexts. A further examination of variation within authoritarian countries finds that laws and rights serve as important symbolic resources. Although established and diffused by authoritarian states, laws and rights strengthen the politicized effects.

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